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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 59

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To amend sections 101.63, 103.27, 1531.40, 1
1533.631, 1533.72, 1533.721, 1561.13, 1561.17, 2
1565.04, 3319.2213, 3319.51, 3701.83, 3704.14, 3
3723.02, 3723.03, 3723.04, 3723.05, 3723.06, 4
3723.07, 3723.08, 3723.09, 3723.10, 3723.11, 5
3723.13, 3723.15, 3723.16, 3723.17, 3723.99, 6
3742.03, 3742.05, 3748.01, 3748.04, 3748.05, 7
3748.11, 3748.13, 3748.16, 3773.31, 3773.35, 8
3773.36, 3773.43, 3773.45, 3773.54, 3776.05, 9
4730.10, 4730.14, 4731.09, 4731.281, 4731.294, 10
4731.297, 4731.52, 4759.08, 4764.05, 4764.08, 11
4771.05, 4771.07, 4771.08, 4774.03, 4774.06, and 12
4774.11; to enact section 3773.341; and to 13
repeal sections 3723.081, 3748.12, and 3748.121 14
of the Revised Code to revise and streamline the 15
state's occupational regulations. 16

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

Section 1. That sections 101.63, 103.27, 1531.40, 17
1533.631, 1533.72, 1533.721, 1561.13, 1561.17, 1565.04, 18
3319.2213, 3319.51, 3701.83, 3704.14, 3723.02, 3723.03, 3723.04, 19



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3723.05, 3723.06, 3723.07, 3723.08, 3723.09, 3723.10, 3723.11, 20
3723.13, 3723.15, 3723.16, 3723.17, 3723.99, 3742.03, 3742.05, 21
3748.01, 3748.04, 3748.05, 3748.11, 3748.13, 3748.16, 3773.31, 22
3773.35, 3773.36, 3773.43, 3773.45, 3773.54, 3776.05, 4730.10, 23
4730.14, 4731.09, 4731.281, 4731.294, 4731.297, 4731.52, 24
4759.08, 4764.05, 4764.08, 4771.05, 4771.07, 4771.08, 4774.03, 25
4774.06, and 4774.11 be amended and section 3773.341 of the 26
Revised Code be enacted to read as follows: 27

Sec. 101.63. (A) (1) Not later than the first day of March 28
in the odd-numbered year during which an occupational licensing 29
board is scheduled to be triggered to expire the following even- 30
numbered year under section 101.62 of the Revised Code, the 31
speaker of the house of representatives shall direct a standing 32
committee of the house of representatives to hold hearings to 33
receive the testimony of the public and of the chief executive 34
officer of the board, and otherwise to review, consider, and 35
evaluate the usefulness, performance, and effectiveness of the 36
board. Not later than the fifteenth day of November of that same 37
odd-numbered year, the standing committee shall prepare and 38
publish a report of its findings and recommendations in 39
accordance with section 101.65 of the Revised Code. If the 40
standing committee's report includes a bill, the house of 41
representatives shall consider that bill for passage by the 42
thirty-first day of December of that same odd-numbered year. 43

(2) Not later than the first day of March in the even- 44
numbered year during which an occupational licensing board is 45
scheduled to be triggered to expire under section 101.62 of the 46
Revised Code, the president of the senate shall direct a 47
standing committee of the senate to hold hearings to receive 48
testimony of the public and of the chief executive officer of 49
the board, and otherwise to review, consider, and evaluate the 50

usefulness, performance, and effectiveness of the board and any
bill considered by the house of representatives related to the
expiration of that board. Not later than the fifteenth day of
November of that same even-numbered year, the standing committee
shall prepare and publish a report of its findings and
recommendations in accordance with section 101.65 of the Revised
Code. If the standing committee's report includes a bill, the
senate shall consider that bill for passage by the thirty-first
day of December of that same even-numbered year.

(3) The president of the senate and the speaker of the
house of representatives may, in the same manner as described in
divisions (A) (1) and (2) of this section, direct a standing
committee to review an occupational licensing board for which
the director of the legislative service commission, under
section 103.27 of the Revised Code, has performed a review.

(4) The president of the senate and the speaker of the
house of representatives shall direct standing committees to
review approximately thirty-three per cent of the occupational
licensing boards each biennium. All occupational licensing
boards shall be reviewed over a six-year period including
calendar years 2019 through 2024, and also during each
subsequent six-year period.

(B) Each occupational licensing board that is scheduled to
be reviewed by a standing committee shall submit to the standing
committee a report that contains all of the following
information:

- (1) The board's primary purpose and its various goals and
objectives;
- (2) The board's past and anticipated workload, the number

of staff required to complete that workload, and the board's	80
total number of staff;	81
(3) The board's past and anticipated budgets and its	82
sources of funding;	83
(4) The number of members of its governing board or other	84
governing entity and their compensation, if any, <u>and any</u>	85
<u>experience or other requirements an individual must meet to</u>	86
<u>serve as a member of the governing board or entity.</u>	87
(C) Each board shall have the burden of demonstrating to	88
the standing committee a public need for its continued	89
existence. In determining whether a board has demonstrated that	90
need, the standing committee shall consider, as relevant, all of	91
the following:	92
(1) Whether or not continuation of the board is necessary	93
to protect the health, safety, or welfare of the public, and if	94
so, whether or not the board's authority is narrowly tailored to	95
protect against present, recognizable, and significant harms to	96
the health, safety, or welfare of the public;	97
(2) Whether or not the public could be protected or served	98
in an alternate or less restrictive manner;	99
(3) Whether or not the board serves a specific private	100
interest;	101
(4) Whether or not rules adopted by the board are	102
consistent with the legislative mandate of the board as	103
expressed in the statutes that created and empowered the board;	104
(5) The extent to which the board's jurisdiction and	105
programs overlap or duplicate those of other boards, the extent	106
to which the board coordinates with those other boards, and the	107

extent to which the board's programs could be consolidated with the programs of other state departments or boards;	108 109
(6) How many other states regulate the occupation, whether a license is required to engage in the occupation in other states, whether the initial licensing and license renewal requirements for the occupation are substantially equivalent in every state, and the amount of regulation exercised by the board compared to the regulation, if any, in other states;	110 111 112 113 114 115
(7) The extent to which significant changes in the board's rules could prevent an individual licensed in this state from practicing, or allow an individual licensed in this state to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction;	116 117 118 119 120 121
(8) Whether the board recognizes national uniform licensure requirements for the occupation;	122 123
(9) Whether or not private contractors could be used, in an effective and efficient manner, either to assist the board in the performance of its duties or to perform these duties instead of the board;	124 125 126 127
(10) Whether or not the operation of the board has inhibited economic growth, reduced efficiency, or increased the cost of government;	128 129 130
(11) An assessment of the authority of the board regarding fees, inspections, enforcement, and penalties;	131 132
(12) The extent to which the board has permitted qualified applicants to serve the public;	133 134
(13) The extent to which the board has permitted	135

individuals to practice elements of the occupation without a	136
license;	137
(14) The cost-effectiveness of the board in terms of	138
number of employees, services rendered, and administrative costs	139
incurred, both past and present;	140
(15) Whether or not the board's operation has been impeded	141
or enhanced by existing statutes and procedures and by	142
budgetary, resource, and personnel practices;	143
(16) Whether the board has recommended statutory changes	144
to the general assembly that would benefit the public as opposed	145
to the persons regulated by the board, if any, and whether its	146
recommendations and other policies have been adopted and	147
implemented;	148
(17) Whether the board has required any persons it	149
regulates to report to it the impact of board rules and	150
decisions on the public as they affect service costs and service	151
delivery;	152
(18) Whether persons regulated by the board, if any, have	153
been required to assess problems in their business operations	154
that affect the public;	155
(19) Whether the board has encouraged public participation	156
in its rule-making and decision-making;	157
(20) The efficiency with which formal public complaints	158
filed with the board have been processed to completion;	159
(21) Whether the purpose for which the board was created	160
has been fulfilled, has changed, or no longer exists;	161
(22) Whether federal law requires that the board be	162
renewed in some form;	163

(23) An assessment of the administrative hearing process of a board if the board has an administrative hearing process, and whether or not the hearing process is consistent with due process rights;	164 165 166 167
(24) Whether the requirement for the occupational license is consistent with the policies expressed in section 4798.02 of the Revised Code, serves a meaningful, defined public interest, and provides the least restrictive form of regulation that adequately protects the public interest;	168 169 170 171 172
(25) The extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession;	173 174 175 176 177 178 179 180
(26) The extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services;	181 182 183
(27) An assessment of whether or not changes are needed in the enabling laws of the board in order for it to comply with the criteria suggested by the considerations listed in division (C) of this section;	184 185 186 187
(28) Beginning with reviews commencing on or after January 1, 2027, whether the number of board members is appropriate based on the board's workload and the number of occupational licenses issued by the board.	188 189 190 191
For division (C) of this section, a government regulatory	192

requirement protects or serves the public interest if it	193
provides protection from present, significant, and substantiated	194
harms to the health, safety, or welfare of the public.	195
(D) The legislative service commission shall provide staff	196
services to a standing committee performing its duties under	197
this section and section 101.65 of the Revised Code.	198
<u>(E) Notwithstanding any provision of this section to the</u>	199
<u>contrary, a standing committee tasked with the review of</u>	200
<u>occupational licensing boards under this section may accept the</u>	201
<u>report issued by the legislative service commission pursuant to</u>	202
<u>section 103.27 of the Revised Code in the immediately preceding</u>	203
<u>biennium in lieu of either of the following:</u>	204
<u>(1) Receiving testimony from the chief executive officer</u>	205
<u>of the board in accordance with division (A) of this section;</u>	206
<u>(2) Requiring an occupational licensing board that is</u>	207
<u>scheduled to be reviewed by a standing committee to submit to</u>	208
<u>the standing committee a report in accordance with division (B)</u>	209
<u>of this section.</u>	210
Sec. 103.27. (A) As used in this section, "personal	211
qualification" has the same meaning as in section 101.62 of the	212
Revised Code.	213
(B) Each biennium starting with an odd-numbered year,	214
beginning in 2019, the director of the legislative service	215
commission shall issue a report regarding approximately thirty-	216
three per cent of occupations subject to regulation by the state	217
and, beginning with the biennium that starts in 2025, business	218
licenses that require the applicant to satisfy a personal	219
qualification. The report shall compare the current regulatory	220
scheme being utilized in this state with the policies expressed	221

in section 4798.02 of the Revised Code <u>and, beginning with the</u>	222
<u>biennium that starts in 2027, reflect the factors that the</u>	223
<u>standing committees of the general assembly must consider under</u>	224
<u>divisions (B) and (C) of section 101.63 of the Revised Code.</u>	225
(C) The director shall issue all reports performed during	226
a biennium, not later than the first day of December of the	227
even-numbered year of that biennium, to the general assembly and	228
to the attorney general.	229
(D) The director may require that information be submitted	230
by any department or board that regulates the occupation.	231
(E) Beginning with the biennium that starts in 2027, the	232
director shall require that any department or board that	233
regulates the occupation provide the following information to be	234
<u>included in the report:</u>	235
(1) Quantitative data on the following information, if	236
applicable, for the period since the occupation was last	237
reported on by the director:	238
(a) The number of applicants;	239
(b) Application approvals and denials;	240
(c) New approvals;	241
(d) Renewals, including approval of applicants who	242
previously had approval to practice the occupation;	243
(e) Data regarding discipline;	244
(f) Revenue and costs;	245
(g) Changes in revenue and costs since the occupation was	246
last reported on by the director;	247
(h) Changes in caseload since the occupation was last	248

<u>included in the report issued by the director.</u>	249
<u>(2) An impact statement, including studies or data points, on any changes made to the occupation by the general assembly during the period since the occupation was last reported on by the director. The impact statement shall detail the impact of such a change on the board or department, the regulated occupation, and the public.</u>	250 251 252 253 254 255
<u>(3) Additional documentation to support any response made to the director for inclusion in the report that is quantitative in nature, including responses related to fee structure and expenses of the department or board.</u>	256 257 258 259
<u>(E)(F) The director shall, over a six-year period including calendar years 2019 through 2024, issue reports regarding all occupations subject to regulation by the state. Beginning with the biennium that starts in 2025, the director shall continue to issue reports regarding all occupations subject to regulation by the state, including business licenses that require the applicant to satisfy a personal qualification.</u>	260 261 262 263 264 265 266
<u>(F)(G) A report required under division (B) of this section may be scheduled to coincide with, and be done in conjunction with, the review of an occupational licensing board being done by a standing committee of the general assembly under section 101.63 of the Revised Code.</u>	267 268 269 270 271
Sec. 1531.40. (A) As used in this section:	272
(1) "Nuisance wild animal" means a wild animal that interferes with the use or enjoyment of property, is causing a threat to public safety, or may cause damage or harm to a structure, property, or person.	273 274 275 276
(2) "Commercial nuisance wild animal control operator"	277

means an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner's or operator's authorized agent of property or a structure. 278
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(B) (1) No person shall provide nuisance wild animal removal or control services for hire without obtaining a license under this section from the chief of the division of wildlife. 282
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(2) An applicant shall pay a license fee of forty dollars for the license. The license shall be renewed annually prior to the first day of March and shall expire on the last day of February. All money collected under this division shall be deposited in the state treasury to the credit of the wildlife fund created in section 1531.17 of the Revised Code. 285
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(3) An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services. 291
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(4) An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section. 298
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~~(C)~~ (1) Unless otherwise specified by division rule, a commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in 304
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~~activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps,~~ shall obtain a certification of completion of a course of instruction that complies with rules adopted under division (F) of this section. A certification shall be renewed every three years.

(2) Except as provided in division (H) of this section, an individual who provides nuisance wild animal removal or control services under a license issued under this section shall comply with division (C)(1) of this section.

(D) An operator that holds a license issued under this section is responsible for the acts of each of the operator's employees in the removal or control of a nuisance wild animal.

(E) If an individual who is licensed under this section uses a pesticide in the removal or control of a nuisance wild animal, the individual shall obtain the appropriate license under Chapter 921. of the Revised Code.

(F) Except as provided in division (H) of this section, the chief shall adopt rules under section 1531.10 of the Revised Code establishing all of the following:

(1) Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators licensed under this section;

(2) Procedures for issuing, denying, suspending, and revoking a license under this section;

(3) Requirements governing the certification course required by division ~~(C)(1)(C)~~ of this section. The rules shall specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild

animal removal and control devices, and the laws and rules 336
governing those activities. The rules also shall specify who may 337
conduct such a course. The rules shall require that, in order 338
for an operator to receive a certification of completion, the 339
operator shall pass an examination. 340

(4) Any other requirements and procedures necessary to 341
administer and enforce this section. 342

Rules shall be adopted under division (F) of this section 343
only with the approval of the director of natural resources. 344

(G) In accordance with Chapter 119. of the Revised Code 345
and with rules adopted under this section, the chief may suspend 346
or revoke a license issued under this section if the chief finds 347
that the holder of the license is violating or has violated this 348
chapter, Chapter 1533. of the Revised Code, or rules adopted 349
under those chapters. 350

(H) The chief shall issue a license to provide nuisance 351
wild animal removal or control services in accordance with 352
Chapter 4796. of the Revised Code to an applicant if either of 353
the following applies: 354

(1) The applicant holds a license in another state. 355

(2) The applicant has satisfactory work experience, a 356
government certification, or a private certification as 357
described in that chapter as an individual who provides nuisance 358
wild animal removal or control services in a state that does not 359
issue that license. 360

Sec. 1533.631. Any person may apply for a permit to handle 361
commercial fish, or other fish that may be bought or sold under 362
the Revised Code or division rule, at wholesale. Prior to making 363
application for such a permit, a person first shall satisfy the 364

following qualifications to the satisfaction of the chief of the 365
division of wildlife: over eighteen years of age, no prior 366
conviction of or plea of guilty on or after October 10, 2007, to 367
a disqualifying offense as determined in accordance with section 368
9.79 of the Revised Code, and ninety days Ohio residency 369
immediately preceding application. The chief shall issue an 370
annual permit granting the applicant the privilege to handle 371
such fish at wholesale at one or more designated premises upon 372
satisfaction of the pre-application qualifications, filing of an 373
application on a form prescribed by the chief, and payment of a 374
fee of sixty-five-fifty dollars. No person or a person's agent 375
shall handle at wholesale any fresh water fish or part thereof 376
unless a permit has been issued for the calendar year in which 377
the fish is handled at wholesale for the premises at which the 378
fish is handled. 379

A fish is handled at wholesale for purposes of this 380
section when it is on a premises within the state and is being 381
held, stored, handled, or processed for the purpose of sale to a 382
person who resells the fish. 383

The permit required by this section shall be issued 384
subject to the right of entry and inspection of the designated 385
premises of the permittee by any law enforcement officer 386
authorized by section 1531.13 of the Revised Code to enforce the 387
laws and rules of the division of wildlife. Such an officer may 388
enter and inspect the designated premises and any box, package, 389
or receptacle, and the contents thereof, for the purpose of 390
determining whether any provision of this chapter or Chapter 391
1531. of the Revised Code or division rule is being violated. 392

No person holding a permit under this section shall remove 393
a label required by section 1533.301 of the Revised Code unless 394

the box, package, or receptacle bearing the label has been 395
opened or unless the label is replaced with another label that 396
meets the requirements of that section. 397

No person shall fail to comply with any provision of this 398
section or division rule adopted pursuant to it. 399

Sec. 1533.72. (A) No person shall own or operate a 400
commercial bird shooting preserve without a license issued by 401
the chief of the division of wildlife under this section. 402

(B) Application for a commercial bird shooting preserve 403
license shall be made on a form prescribed by the chief and 404
shall be accompanied by an annual license fee of ~~two~~one hundred 405
fifty dollars. The application shall contain a list of which 406
species of game birds are to be released for hunting in the 407
preserve, a description of the lands that are to constitute the 408
preserve, a description of the tag and symbol identifying the 409
preserve required under division (D) of section 1533.73 of the 410
Revised Code, and any other information required by the chief. 411

(C) The chief, upon payment of the license fee, may issue 412
to the applicant a commercial bird shooting preserve license if 413
all of the following conditions are met: 414

(1) The operation of the commercial bird shooting preserve 415
does not conflict with a prior reasonable public interest; 416

(2) The proposed commercial bird shooting preserve meets 417
the requirements established in division (A) of section 1533.73 418
of the Revised Code; 419

(3) The applicant is the owner or lessee of the land 420
described in the application and maintains ~~histhat~~ status as the 421
owner or lessee of the land until the license expires; 422

(4) The applicant produces evidence satisfactory to the
chief that ~~he~~the applicant will comply with division (E) of
section 1533.73 of the Revised Code. 423
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(D) All licenses issued under this section shall expire on
the thirtieth day of April of each year. Any license holder
wishing to own or operate a commercial bird shooting preserve in
the year following the expiration of ~~his~~the license shall apply
for a new license under division (B) of this section. 426
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(E) In accordance with Chapter 119. of the Revised Code,
the chief may suspend or revoke a commercial bird shooting
preserve license if ~~he~~the chief finds that the license holder
has violated or is violating this chapter ~~or~~for Chapter 1531. of
the Revised Code or any division rule. 431
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Sec. 1533.721. (A) Except as otherwise provided by
division rule, no person shall offer for hunting or hunt any
nonnative wildlife except in a licensed wild animal hunting
preserve. No person shall operate a wild animal hunting preserve
without first obtaining a wild animal hunting preserve license
issued by the chief of the division of wildlife under this
section. 436
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(B) Application for a wild animal hunting preserve license
shall be made on a form prescribed by the chief and shall be
accompanied by a license application fee of ~~one thousand three~~
hundred dollars. The application shall contain a list of which
species of game and nonnative wildlife are to be released for
hunting in the preserve and any other information required by
the chief. 443
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(C) The chief, upon payment of the application fee, shall
issue to the applicant a wild animal hunting preserve license if 450
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all of the following conditions are met:	452
(1) The operation of the wild animal hunting preserve does not conflict with a prior reasonable public interest.	453 454
(2) The proposed wild animal hunting preserve meets the requirements established in division (A) of section 1533.731 of the Revised Code.	455 456 457
(3) The applicant is the owner or lessee of the land described in the application and maintains that status as the owner or lessee of the land until the license expires.	458 459 460
(4) The proposed wild animal hunting preserve has been inspected by a representative of the division of wildlife to ensure that all wild deer have been removed from the proposed wild animal hunting preserve before any game or nonnative wildlife are released into the preserve.	461 462 463 464 465
(D) Prior to an inspection of a proposed wild animal hunting preserve for purposes of division (C) (4) of this section, an applicant for a wild animal hunting preserve license shall remove all wild deer from the proposed preserve using a method that is approved by the chief. All wild deer that cannot be removed from the proposed wild animal hunting preserve shall be killed, and the applicant shall submit a restitution fee in accordance with section 1531.201 of the Revised Code.	466 467 468 469 470 471 472 473
(E) Inspection of a proposed wild animal hunting preserve shall be conducted and approval or disapproval of an initial license for such a preserve shall be made between the first day of January through the last day of March of the year in which the applicant first intends to operate the preserve.	474 475 476 477 478
(F) Upon receipt of the initial license for a wild animal hunting preserve, receipt of a license under section 943.03 or	479 480

943.031 of the Revised Code, and a demonstration to the chief or
the chief's designee that each captive white-tailed deer held by
the licensee was legally acquired, the licensee may place all of
the licensee's deer in the wild animal hunting preserve. A wild
animal hunting preserve licensee holding captive white-tailed
deer in the preserve shall comply with this chapter and Chapter
1531. of the Revised Code, division rules, sections 943.20 to
943.26 of the Revised Code, and rules adopted under section
943.24 of the Revised Code. 481
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(G) (1) Except as otherwise provided in division (G) (2) of
this section, all licenses issued under this section shall
expire on the thirtieth day of April of each year. Any license
holder wishing to own or operate a wild animal hunting preserve
in the year following the expiration of the license shall submit
a license renewal form prescribed by the chief and include an
annual renewal fee of two—one hundred fifty dollars. 490
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(2) A license issued under this section for a wild animal
hunting preserve in which only captive white-tailed deer are
kept does not expire unless the license is revoked by the chief
under division (H) (2) of this section. 497
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(H) (1) Except as otherwise provided in division (H) (2) of
this section, and in accordance with Chapter 119. of the Revised
Code, the chief may suspend or revoke a wild animal hunting
preserve license if the chief finds that the license holder has
violated or is violating this chapter or Chapter 1531. of the
Revised Code or any division rule. 501
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(2) The chief, with the approval of the director of
agriculture, may suspend or revoke a wild animal hunting
preserve license issued to a person who also has been issued a
valid license for that preserve under section 943.03 or 943.031 507
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of the Revised Code if the person fails to comply with this 511
chapter and Chapter 1531. of the Revised Code, division rules, 512
sections 943.20 to 943.26 of the Revised Code, and rules adopted 513
under section 943.24 of the Revised Code. 514

(I) This section does not authorize the hunting of game 515
birds in a licensed wild animal hunting preserve unless the 516
licensee also possesses a valid commercial bird shooting 517
preserve license issued under section 1533.72 of the Revised 518
Code for the same land for which the wild animal hunting 519
preserve license was issued. 520

Sec. 1561.13. The chief of the division of mineral 521
resources management shall conduct examinations for offices and 522
positions in the division of mineral resources management, and 523
for mine forepersons, mine electricians, and surface mine 524
blasters, as follows: 525

(A) Division of mineral resources management: 526

(1) Deputy mine inspectors of underground mines; 527

(2) Deputy mine inspectors of surface mines; 528

(3) Electrical inspectors; 529

(4) Superintendent of rescue stations; 530

(5) Assistant superintendents of rescue stations; 531

(6) Mine chemists at a division laboratory if the chief 532
chooses to operate a laboratory. 533

(B) Mine forepersons: 534

(1) Mine foreperson of gaseous mines; 535

(2) ~~Mine foreperson of nongaseous mines;~~ 536

(3) Mine foreperson of surface mines.	537
(C) Forepersons:	538
(1) Foreperson of gaseous mines;	539
(2) Foreperson of nongaseous mines;	540
(3) Foreperson of surface mines.	541
(D) Mine electricians.	542
(E) Surface mine blasters.	543
The chief annually shall provide for the examination of candidates for appointment or promotion as deputy mine inspectors and such other positions and offices set forth in division (A) of this section as are necessary. Special examinations may be held whenever it becomes necessary to make appointments to any of those positions.	544
The chief shall provide for the examination of persons seeking certificates of competency as mine forepersons, forepersons, mine electricians, and surface mine blasters as needed and at such times and places within the state as shall, in the judgment of the chief, afford the best facilities to the greatest number of applicants.	550
The examinations provided for in this section shall be conducted under rules adopted under section 1561.05 of the Revised Code and conditions prescribed by the chief. Any rules that relate to particular candidates shall, upon application of any candidate, be furnished to the candidate by the chief; they shall also be of uniform application to all candidates in the several groups.	556
Sec. 1561.17. (A) Except as provided in division (F) of	563

this section, a person who applies for a certificate as ~~mine-foreperson or~~ foreperson of nongaseous mines shall be able to 564
read and write the English language; shall have had at least 565
three years' actual practical experience in mines, or the 566
equivalent thereof in the judgment of the chief of the division 567
of mineral resources management; and shall have knowledge of the 568
dangers and nature of noxious gases. Each applicant for 569
examination shall pay a fee established in rules adopted under 570
this section to the chief on the first day of the examination. 571
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(B) A person who has been issued a certificate as ~~mine-foreperson or~~ 573
~~a~~ foreperson of a nongaseous coal mine and who has 574
not worked in an underground coal mine for a period of more than 575
two calendar years shall apply for and obtain recertification 576
from the chief in accordance with rules adopted under this 577
section before performing the duties of ~~a mine foreperson or a~~ 578
foreperson of a nongaseous coal mine. An applicant for 579
recertification shall pay a fee established in rules adopted 580
under this section at the time of application for 581
recertification. 582

(C) A person who has been issued a certificate as ~~a mine-foreperson or~~ 583
~~a~~ foreperson of a nongaseous coal mine and who has 584
not worked in an underground coal mine for a period of one or 585
more calendar years shall successfully complete a retraining 586
course in accordance with rules adopted under this section 587
before performing the duties of ~~a mine foreperson or a~~ 588
foreperson of a nongaseous coal mine. 589

(D) The chief, in consultation with a statewide 590
association representing the coal mining industry and a 591
statewide association representing employees of coal mines, 592
shall adopt rules in accordance with Chapter 119. of the Revised 593

Code that do all of the following:	594
(1) Prescribe requirements, criteria, and procedures for the recertification of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of more than two calendar years;	595 596 597 598
(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of one or more calendar years;	599 600 601 602
(3) Establish fees for the examination and recertification of mine forepersons or forepersons of nongaseous coal mines under this section;	603 604 605
(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.	606 607 608
(E) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.	609 610 611
(F) The chief shall issue a certificate as a foreperson of nongaseous mines in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	612 613 614
(1) The applicant holds a license or certificate in another state.	615 616
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a foreperson of nongaseous mines in a state that does not issue that license or certificate.	617 618 619 620
Sec. 1565.04. The operator of each mine who is an employer	621

as defined in section 4123.01 of the Revised Code, or any mine 622
with three or more workers, shall employ a certified mine 623
foreperson. In gaseous underground mines, only a holder of a 624
mine foreperson of gaseous mines certificate that contains a 625
notation by the chief of the division of mineral resources 626
management showing the holder to be at least twenty-three years 627
of age and have at least five years' actual practical experience 628
in gaseous mines shall be employed as the mine foreperson. ~~In~~ 629
~~other underground mines, the mine foreperson shall be a holder~~ 630
~~of a mine foreperson of nongaseous mines certificate that~~ 631
~~contains a notation by the chief showing the holder to be at~~ 632
~~least twenty-one years of age and have at least three years'~~ 633
~~actual practical experience in mines.~~ All such underground mines 634
shall have at least one certified foreperson on duty at all 635
times when workers are employed in the loading or mining of coal 636
underground. Each active working area of a surface coal mine and 637
each active surface installation of an underground coal mine 638
shall be examined for hazardous conditions, at least once during 639
each working shift or more often if necessary for safety, by a 640
certified mine foreperson who is designated by the operator to 641
conduct such examinations. Any hazardous conditions noted during 642
the examinations shall be reported to the operator and shall be 643
corrected by the operator. A certified mine foreperson may 644
conduct the examination that is required during each shift at 645
multiple mine sites, provided that the sites are within a ten- 646
mile radius. 647

No operator of a mine shall refuse or neglect to comply 648
with this section. 649

Sec. 3319.2213. (A) The state board of education shall 650
enter into an agreement with a construction trade organization 651
located in this state, such as affiliated construction trades 652

(ACT) Ohio, or its successor organization, to develop a training 653
program to educate school counselors about building and 654
construction trades career pathways. 655

A training program developed under this section shall be 656
completed at a building and construction trades training 657
facility and include information about both of the following: 658

(1) The pay and benefits available to people who work in 659
the building and construction trades; 660

(2) Job opportunities and available apprenticeships for 661
boilermakers, electrical workers, bricklayers, insulators, 662
laborers, iron workers, plumbers and pipefitters, roofers, 663
plasterers and cement masons, sheet metal workers, painters and 664
glaziers, elevator constructors, operating engineers, carpenters, 665
and teamsters. 666

(B) (1) (B) A licensed school counselor serving students in 667
any of grades seven through twelve shall complete four hours of 668
training developed under division (A) of this section ~~every five~~ 669
~~years within five years of initial licensure or, for such a~~ 670
~~counselor who was licensed prior to the effective date of this~~ 671
~~amendment, within five years of that effective date.~~ 672

(C) Within five years of completing an initial training 673
under division (B) of this section, and every five years 674
thereafter, a licensed school counselor serving students in any 675
of grades seven through twelve shall either complete four hours 676
of training developed under division (A) of this section or 677
certify to the local professional development committee 678
established under section 3319.22 of the Revised Code that the 679
counselor has spent a minimum of four hours doing one or more of 680
the following alternative activities: 681

<u>(1) Touring local career-technical education facilities</u>	682
<u>and investigating program offerings, as well as possible student</u>	683
<u>apprenticeship, internship, and employment opportunities for</u>	684
<u>each program;</u>	685
<u>(2) Meeting with local JobsOhio staff and reviewing local</u>	686
<u>business needs; in-demand job fields; and apprenticeship,</u>	687
<u>internship, and employment opportunities for each local in-</u>	688
<u>demand field;</u>	689
<u>(3) Participating in or helping host a career exploration</u>	690
<u>opportunity for students with local businesses, including local</u>	691
<u>employers of in-demand jobs. This training</u>	692
<u>(D) Training and alternative activities completed under</u>	693
<u>this section shall qualify toward meeting professional</u>	694
<u>development activity requirements for the renewal of a pupil</u>	695
<u>services license in school counseling. An individual who begins</u>	696
<u>working with students in any of grades seven through twelve in</u>	697
<u>the last two years of the individual's five-year renewal cycle</u>	698
<u>shall complete this requirement during the following license</u>	699
<u>renewal cycle.</u>	700
<u>(2) Local professional development committees established</u>	701
<u>under section 3319.22 of the Revised Code shall incorporate this</u>	702
<u>such training and alternative activities as part of the</u>	703
<u>independent professional development programs for school</u>	704
<u>counselors that serve students in any of grades seven through</u>	705
<u>twelve.</u>	706
<u>(E) Participating building and construction trades</u>	707
<u>shall ensure ample opportunities for school counselors to</u>	708
<u>complete the training prescribed under described in division (A)</u>	709
<u>of this section during each renewal cycle for licensure.</u>	710

Participating building and construction trades training 711
facilities or the entity with which the state board enters into 712
an agreement under this section shall bear all costs associated 713
with ~~this~~that training. 714

Sec. 3319.51. (A) As used in this section, "operating 715
expenses" includes the cost of administering requirements 716
related to the issuance and renewal of licenses, certificates, 717
or permits described in this chapter and sections 3301.071 and 718
3301.074 of the Revised Code and any other cost incurred by the 719
state board of education to perform a duty prescribed by law. 720

(B) The state board of education shall annually establish 721
the amount of the fees required to be paid for any license, 722
certificate, or permit issued under this chapter or division (B) 723
of section 3301.071 or section 3301.074 of the Revised Code. 724

Except 725

The state board shall establish a fee of one hundred fifty 726
dollars to obtain or renew a professional administrator license 727
issued under section 3319.272 of the Revised Code. 728

Except as provided in division (C) of this section, the 729
amount of these fees shall be such that they, along with any 730
appropriation made by the general assembly, will be sufficient 731
to cover the annual estimated operating expenses of the state 732
board. 733

(C) The state board shall not require any fee to be paid 734
under division (B) of this section for a license, certificate, 735
or permit issued for the purpose of teaching in a junior reserve 736
officer training corps (JROTC) program approved by the congress 737
of the United States under title 10 of the United States Code. 738

(D) The operating expenses of the state board shall be 739

paid primarily from, and all license, certificate, or permit fees received by the state board shall be deposited in, the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. 740
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Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 745
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3701.344, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 748
3733.43, 3748.04, 3748.05, 3748.07, ~~3748.12~~, 3748.13, 3749.04, 749
3749.07, 3776.08, and 4769.09 of the Revised Code. 750

Sec. 3704.14. (A) (1) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 751
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2025, the director may provide for the implementation of the 754
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program in those counties in this state in which such a program 756
is federally mandated. Upon making such a determination, the 757
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director of environmental protection may request the director of 759
administrative services to extend the terms of the contract that 760
was entered into under the authority of H.B. 33 of the 135th 761
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general assembly. Upon receiving the request, the director of 763
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administrative services shall extend the contract, beginning on 765
July 1, 2025, in accordance with this section. The contract 766
shall be extended for a period of up to twenty-four months with 767
the contractor who conducted the motor vehicle inspection and 768
maintenance program under that contract. 769

(2) Prior to the expiration of the contract extension that 767
was authorized by division (A) (1) of this section under the 768
authority of H.B. 33 of the 135th general assembly, the director 769

of environmental protection shall request the director of 770
administrative services to enter into a contract with a vendor 771
to operate a decentralized motor vehicle inspection and 772
maintenance program in each county in this state in which such a 773
program is federally mandated through June 30, 2027. The 774
contract shall ensure that the decentralized motor vehicle 775
inspection and maintenance program achieves an equivalent amount 776
of emission reductions as achieved by the program operated under 777
the authority of the contract that was extended under division 778
(A) (1) of this section under the authority of H.B. 33 of the 779
135th general assembly. The director of administrative services 780
shall select a vendor through a competitive selection process in 781
compliance with Chapter 125. of the Revised Code. 782

(3) Notwithstanding any law to the contrary, the director 783
of administrative services shall ensure that a competitive 784
selection process regarding a contract to operate a 785
decentralized motor vehicle inspection and maintenance program 786
in this state incorporates the following, which shall be 787
included in the contract: 788

(a) For purposes of expanding the number of testing 789
locations for consumer convenience, a requirement that the 790
vendor utilize established local businesses, auto repair 791
facilities, or leased properties to operate state-approved 792
inspection and maintenance testing facilities; 793

(b) A requirement that the vendor selected to operate the 794
program provide notification of the program's requirements to 795
each owner of a motor vehicle that is required to be inspected 796
under the program. The contract shall require the notification 797
to be provided not later than sixty days prior to the date by 798
which the owner of the motor vehicle is required to have the 799

motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration. 800
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(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code. 806
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(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section. 811
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(B) The director shall establish a decentralized motor vehicle inspection and maintenance program as authorized by this section and, at a minimum, the director shall ensure that the program does all of the following: 816
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(1) Complies with the federal Clean Air Act; 820

(2) Provides for the issuance of inspection certificates and alternative emissions certificates as specified in rules adopted under division (C) (2) of this section; 821
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(3) Provides for a new car exemption for motor vehicles six years old or newer and provides that a new motor vehicle is exempt for six years regardless of whether legal title to the motor vehicle is transferred during that period; 824
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(4) Provides for an exemption for battery electric motor 828

vehicles;	829
(5) Provides for an exemption for hybrid motor vehicles	830
seven years old or newer and provides that a hybrid motor	831
vehicle is exempt for seven years regardless of whether legal	832
title to the motor vehicle is transferred during that period.	833
(C) (1) The director of environmental protection shall	834
adopt rules in accordance with Chapter 119. of the Revised Code	835
that the director determines are necessary to implement this	836
section. The director may continue to implement and enforce	837
rules pertaining to the motor vehicle inspection and maintenance	838
program previously implemented under former section 3704.14 of	839
the Revised Code as that section existed prior to its repeal and	840
reenactment by Am. Sub. H.B. 66 of the 126th general assembly,	841
provided that the rules do not conflict with this section.	842
(2) The rules adopted under division (C) (1) of this	843
section shall provide for the issuance of inspections	844
certificates and alternative emissions certificates. Under the	845
rules, an inspection certificate shall be issued to the owner or	846
lessee of a motor vehicle when the motor vehicle passes an	847
emissions inspection conducted in accordance with the motor	848
vehicle inspection and maintenance program established under	849
this section. In lieu of obtaining an inspection certificate,	850
the rules shall establish a system by which the owner or lessee	851
of a motor vehicle may request an alternative emissions	852
certificate from the director.	853
(a) The rules providing for the issuance of alternative	854
emissions certificates shall require an owner or lessee of a	855
motor vehicle to do the following in order to receive the	856
certificate:	857

(i) Complete and submit an attestation form created by the director that includes a statement that reads substantially as follows: 858
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"I, _____, attest that, to the best of my knowledge, the motor vehicle concerning which I am the owner or lessee complies with all laws of Ohio and the United States governing motor vehicle emissions. I, _____, am aware that a false statement on this form is not permitted." 861
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(ii) Sign and date the form either manually or electronically; 866
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(iii) Submit the form to the director either by regular mail, certified mail, or electronically. 868
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(b) The rules shall require the director to include both of the following additional information on the attestation form: 870
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(i) A provision that allows the owner or lessee of a motor vehicle to specify one of the following methods by which the owner or lessee may request delivery of the alternative emissions certificate: certified mail, noncertified mail, or electronically; 872
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(ii) A provision that allows the owner or lessee of a motor vehicle to specify the vehicle identification number, make, model, and year of the relevant motor vehicle and the date the attestation form is submitted to the director. 877
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(c) Subject to division (C)(2)(d) of this section, the rules shall require the director to deliver an alternative emission certificate to the owner or lessee of a motor vehicle who complies with rules adopted under division (C)(2)(a) of this section. The director shall deliver the certificate within thirty business days after the director's receipt of the 881
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attestation form or, if the owner or lessee submits the form electronically, within five business days after receipt of the form. The director shall confirm the receipt of the attestation form if the director receives it by electronic means. 887
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(d) The rules shall require the director to reject an attestation form for any of the following reasons: 891
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(i) The motor vehicle that is the subject of the attestation form was in an accident or collision within the two years prior to the date of submission of the form, and the accident or collision caused substantial damage to the internal structure of the motor vehicle. 893
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(ii) The owner or lessee of the motor vehicle that is the subject of the attestation form has received a ticket, citation, or summons with regard to that motor vehicle within the two years prior to the date of submission of the form for a violation of section 4513.22 of the Revised Code or substantially equivalent municipal ordinance. 898
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(iii) The information in the attestation form is determined by the director to be false. 904
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If the director rejects an attestation form under division (C) (2) (d) (iii) of this section, the director shall provide notice to the owner or lessee that the attestation form was determined to be false. The notice shall inform the owner or lessee that the owner or lessee may submit a corrected form to the director within thirty days of the receipt of the notice. If the owner or lessee submits a corrected attestation form that complies with rules adopted under division (C) (2) of this section within that thirty-day period, the director shall issue an alternative emissions certificate to the owner or lessee. If 906
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the owner or lessee fails to correct the attestation form, the
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director shall require the owner or lessee to complete an
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emissions inspection and obtain an inspection certificate in
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accordance with rules adopted under this section.
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If the director rejects an attestation form under division
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(C) (2) (d) (i) or (ii) of this section, the director shall require
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the owner or lessee to complete an emissions inspection and
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obtain an inspection certificate in accordance with rules
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adopted under this section.
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(e) In adopting rules under division (C) (2) of this
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section, the director shall ensure that the owner or lessee of a
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motor vehicle who falsifies an attestation form receives a
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notice that includes a statement that reads substantially as
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follows: "You have falsified an attestation form for your
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vehicle under the E-Check/motor vehicle emissions testing
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program. Your vehicle is registered in one of [insert the number
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of counties] counties in this state that has federal emission
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mandates imposed on it that the State of Ohio is required, under
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threat of penalty, to enforce. This letter serves as Ohio's only
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penalty for falsification of an attestation form. You have
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thirty days from the date of this notice to amend your
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attestation form and submit the amended form to the
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Environmental Protection Agency. However, if you choose not to
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submit an amended attestation form, you must have a motor
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vehicle emissions inspection conducted for your vehicle in
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accordance with section 3704.14 of the Revised Code and rules
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adopted under it."
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(f) No penalties apply to a person who the director has
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determined to have falsified an attestation form, other than the
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issuance of the notice required under division (C) (2) (e) of this
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section. 946

(D) There is hereby created in the state treasury the auto 947
emissions test fund, which shall consist of money received by 948
the director from any cash transfers, state and local grants, 949
and other contributions that are received for the purpose of 950
funding the program established under this section. The director 951
of environmental protection shall use money in the fund solely 952
for the implementation, supervision, administration, operation, 953
and enforcement of the motor vehicle inspection and maintenance 954
program established under this section. Money in the fund shall 955
not be used for either of the following: 956

(1) To pay for the inspection costs incurred by a motor 957
vehicle dealer so that the dealer may provide inspection 958
certificates to an individual purchasing a motor vehicle from 959
the dealer when that individual resides in a county that is 960
subject to the motor vehicle inspection and maintenance program; 961

(2) To provide payment for more than one free passing 962
emissions inspection or a total of three emissions inspections 963
for a motor vehicle in any three-hundred-sixty-five-day period. 964
The owner or lessee of a motor vehicle is responsible for 965
inspection fees that are related to emissions inspections beyond 966
one free passing emissions inspection or three total emissions 967
inspections in any three-hundred-sixty-five-day period. 968
Inspection fees that are charged by a contractor conducting 969
emissions inspections under a motor vehicle inspection and 970
maintenance program shall be approved by the director of 971
environmental protection. 972

(E) The motor vehicle inspection and maintenance program 973
established under this section expires upon the termination of 974
all contracts entered into under this section and shall not be 975

implemented beyond the final date on which termination occurs.	976
(F) As used in this section "battery electric motor vehicle" and "hybrid motor vehicle" have the same meanings as in section 4501.01 of the Revised Code.	977 978 979
(G) On June 30, 2025, the director shall immediately begin procedures to submit to the United States environmental protection agency the alternative emissions certification program for approval as part of the Ohio state implementation plan. If the United States environmental protection agency approves the modification of the decentralized motor vehicle inspection and maintenance program as providing sufficient air pollution reductions to meet the federal Clean Air Act requirements for a vehicle inspection and maintenance program and modifies the Ohio state implementation plan, the director shall immediately begin to modify the Ohio environmental protection agency rules to implement the alternative emissions certification program. Nothing in this division requires the Ohio environmental protection agency to take action to implement the alternative emissions certification program until the United States environmental protection agency approves the alternative program as part of the Ohio state implementation plan.	980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996
(H) If the United States environmental protection agency determines that the motor vehicle inspection and maintenance program implemented in accordance with this section is not necessary for the state or any area of the state to comply with the federal Clean Air Act, the director shall immediately discontinue the program and take any actions necessary to effectuate the termination of the program. <u>If the director discontinues the motor vehicle inspection and maintenance program in this state in accordance with this division, the</u>	997 998 999 1000 1001 1002 1003 1004 1005

director shall immediately rescind any rule associated with the
program, including rules that govern both of the following:

(1) The certification of inspectors under the program;
(2) The certification of repair technicians, including
waiver repair technicians, under the program.

Sec. 3723.02. (A) Except as otherwise provided in this
section:, no individual shall do any of the following without a
valid radon mitigation specialist license:

(1) ~~No individual shall perform~~ Perform radon testing, or
hold ~~himself~~ self out as performing radon testing, ~~without a~~
~~valid radon tester or mitigation specialist license.;~~

(2) ~~No individual shall provide~~ Provide professional or
expert advice on radon testing, radon exposure, or health risks
related to radon exposure, or hold ~~himself~~ self out as providing
such advice, ~~without a radon tester or mitigation specialist~~
~~license.;~~

(3) ~~No individual shall provide on-site supervision of~~
~~radon mitigation, or hold himself out as providing such~~
~~supervision, without a radon mitigation specialist license.~~

(4) ~~No individual shall provide~~ Provide professional or
expert advice on radon mitigation or radon entry routes, or hold
~~himself~~ self out as providing such advice, ~~without a radon~~
~~mitigation specialist license.~~

(5) ~~No business entity or government entity shall perform~~
~~or authorize any individual employed by it to perform;~~

(4) Perform radon mitigation, or hold ~~itself~~ self out as
performing radon mitigation, ~~without a valid radon mitigation~~
~~contractor license.~~

(B) Division (A) of this section does not apply to any of the following:	1034
(1) An individual, business entity, or government entity using techniques during new construction designed to prevent or reduce radon infiltration in the new construction;	1036
(2) An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases;	1039
(3) An individual, business entity, or government entity practicing in accordance with section 3723.03 of the Revised Code as a radon tester, mitigation specialist, or mitigation contractor under a license issued by another state;	1043
(4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with section 3723.04 of the Revised Code.	1047
(C) Division (A)-(5) <u>(A) (4)</u> of this section does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor <u>specialist</u> .	1050
Sec. 3723.03. Pursuant to division (B) of section 3723.02 of the Revised Code, an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester, mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under this chapter for not more than ninety days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor , if the director of health finds that the	1054
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requirements for licensure in that state are comparable to the 1063
requirements for licensure under this chapter and the rules 1064
adopted under it and the individual, ~~business entity, or~~ 1065
~~government entity~~ provides notice to the director of health, in 1066
accordance with rules adopted under section 3723.09 of the 1067
Revised Code, prior to commencing practice in this state. 1068
Chapter 4796. of the Revised Code does not apply to a 1069
nonresident individual authorized to practice under this 1070
section. 1071

Sec. 3723.04. (A) Pursuant to division (B) of section 1072
3723.02 of the Revised Code, an individual, ~~business entity, or~~ 1073
~~government entity~~ conducting research regarding radon testing or 1074
mitigation may perform radon testing or mitigation without a 1075
license, if the owner or occupant of the building or real 1076
property where the research is to be conducted consents after 1077
being informed in writing of all of the following: 1078

(1) That the individual, ~~business entity, or government~~ 1079
~~entity~~ is not licensed to perform radon testing or mitigation; 1080

(2) That the results of any testing are not valid for use 1081
in any contract or legal document as evidence of the presence or 1082
absence of radon in the building or real property; 1083

(3) That any mitigation methods used are experimental and 1084
may not be successful. 1085

(B) Radon test results obtained pursuant to this section 1086
are not valid for use in any contract or legal document as 1087
evidence of the presence or absence of radon in the building or 1088
real property tested. 1089

(C) No licensed radon mitigation specialist shall provide 1090
advice regarding radon mitigation or perform radon mitigation on 1091

the basis of any radon test performed pursuant to this section. 1092

~~(D) No licensed radon mitigation contractor shall perform~~ 1093
~~radon mitigation on the basis of any radon test performed~~ 1094
~~pursuant to this section.~~ 1095

Sec. 3723.05. (A) ~~No licensed radon tester-mitigation~~ 1096
~~specialist~~ shall use the services of a radon laboratory that has 1097
not been approved under section 3723.07 of the Revised Code. 1098

~~(B) No licensed radon mitigation contractor shall do any~~ 1099
~~of the following:~~ 1100

~~(1) Perform radon mitigation without the direct on-site~~ 1101
~~supervision of a licensed radon mitigation specialist;~~ 1102

~~(2) Provide radon testing services other than through the~~ 1103
~~employment of a licensed radon tester or mitigation specialist;~~ 1104

~~(3) Provide advice regarding radon testing, radon~~ 1105
~~exposure, or health risks associated with radon exposure other~~ 1106
~~than through the employment of a licensed radon tester or~~ 1107
~~mitigation specialist;~~ 1108

~~(4) Provide advice regarding radon mitigation or radon~~ 1109
~~entry routes other than through the employment of a licensed~~ 1110
~~radon mitigation specialist.~~ 1111

~~(C) No licensed radon tester, licensed radon mitigation~~ 1112
~~specialist, or licensed radon mitigation contractor involved in~~ 1113
~~the testing of a particular building, or in the provision of~~ 1114
~~advice with respect to a particular building, shall be involved~~ 1115
~~in the performance of mitigation on that building unless the~~ 1116
~~contract for mitigation is in writing and clearly and~~ 1117
~~conspicuously states both of the following:~~ 1118

~~(1) That the radon tester, mitigation specialist, or~~ 1119

~~mitigation contractor~~ was involved in the testing or provision
of advice that led to the mitigation contract;

(2) The advantages of long-term testing and the value of a
second opinion as ways to verify test results and to assure that
the proposed mitigation is appropriate, especially when the
mitigation is to be performed by the ~~tester, mitigation~~
~~specialist, or mitigation contractor~~ that was involved in the
testing or provision of advice that led to the mitigation
contract.

~~(D)~~(C) No licensed radon ~~tester, licensed radon mitigation~~
~~specialist, or licensed radon mitigation contractor~~ shall
perform radon testing or mitigation or provide any advice
related to radon, radon testing, or radon mitigation unless it
is performed in accordance with the requirements of this chapter
and the rules adopted under it.

~~(E)~~(D) No licensed radon ~~tester, licensed radon mitigation~~
~~specialist, or licensed radon mitigation contractor~~ shall
violate any requirement of this chapter or any rule adopted
under it.

Sec. 3723.06. (A) The director of health shall license
~~radon testers, mitigation specialists, and mitigation~~
~~contractors~~. Each applicant for a license shall submit a
completed application to the director on a form the director
shall prescribe and furnish.

(B) Except as provided in division ~~(F)~~(E) of this section
and in accordance with rules adopted under section 3723.09 of
the Revised Code, the director shall issue ~~the appropriate a~~
license to each applicant that pays ~~the a~~ license fee ~~prescribed~~
~~by the director of two hundred dollars, meets the licensing~~

criteria established by the director, and complies with any
other licensing and training requirements established by the
director. ~~An individual, business entity, or government entity~~
~~may hold more than one license issued under this section, but a~~
~~separate application is required for each license.~~ 1149
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~~(C) Notwithstanding division (B) of this section and~~ 1154
~~except as provided in division (F) of this section, the director~~ 1155
~~shall issue a radon mitigation contractor license on request to~~ 1156
~~the holder of a radon mitigation specialist license if the~~ 1157
~~license holder is the owner or chief stockholder of a business~~ 1158
~~entity for which the license holder is the only individual who~~ 1159
~~will work as a radon mitigation specialist. The licensing~~ 1160
~~criteria and any other licensing and training requirements the~~ 1161
~~individual was required to meet to qualify for the radon~~ 1162
~~mitigation specialist license are hereby deemed to satisfy any~~ 1163
~~and all criteria and requirements for a radon mitigation~~ 1164
~~contractor license. A license issued under this division shall~~ 1165
~~expire at the same time as the individual's radon mitigation~~ 1166
~~specialist license. No license fee shall be imposed for a~~ 1167
~~license issued under this division.~~ 1168

~~(D)~~ (C) A license issued under this section expires 1169
biennially and may be renewed by the director in accordance with 1170
criteria and procedures established in rules adopted under 1171
section 3723.09 of the Revised Code and on payment of ~~the a~~ 1172
~~license renewal fee prescribed in those rules of two hundred~~ 1173
~~dollars.~~ 1174

~~(E)~~ (D) In accordance with Chapter 119. of the Revised 1175
Code, the director may do either of the following: 1176

(1) Refuse to issue a license to an individual, ~~business~~ 1177
~~entity, or government entity~~ that does not meet the requirements 1178

of this chapter or the rules adopted under it or has been in
violation of those requirements; 1179
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(2) Suspend, revoke, or refuse to renew the license of an
individual, ~~business entity, or government entity~~ that is or has
been in violation of the requirements of this chapter or the
rules adopted under it. 1181
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~~(F)~~(E) The director shall issue a radon ~~tester, mitigation~~
specialist, ~~or mitigation contractor~~ license in accordance with
Chapter 4796. of the Revised Code to an applicant if either of
the following applies: 1185
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(1) The applicant holds a license in another state. 1189

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as a radon ~~tester, mitigation~~
specialist, ~~or mitigation contractor~~ in a state that does not
issue ~~one or more of those licensesthat~~ license. 1190
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Sec. 3723.07. The director of health shall approve ~~all~~
both of the following: 1195
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(A) Licensure training courses for radon ~~testers and~~
mitigation specialists; 1197
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(B) ~~Training courses for employees of mitigation~~
~~contractors;~~ 1199
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~~(C)~~ Radon laboratories. 1201

Each applicant for approval shall submit a completed
application to the director on a form the director shall
prescribe and furnish. 1202
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In accordance with rules adopted under section 3723.09 of 1205

the Revised Code, the director shall issue the appropriate 1206
approval to each applicant that pays the approval fee prescribed 1207
by the director and meets the criteria for approval established 1208
by the director. 1209

In accordance with Chapter 119. of the Revised Code, the 1210
director may refuse to issue an approval and may revoke or 1211
suspend an approval issued under this section if the operator of 1212
the course or laboratory fails to meet the criteria established 1213
by the director. 1214

Sec. 3723.08. (A) The director of health shall do all of 1215
the following: 1216

(1) Administer the radon licensing program established by 1217
this chapter and enforce the requirements of this chapter and 1218
the rules adopted under it; 1219

(2) Examine records of radon ~~testers~~, mitigation 1220
specialists, ~~mitigation contractors~~, and operators of radon 1221
laboratories and training courses approved under section 3723.07 1222
of the Revised Code as ~~he~~the director considers necessary to 1223
determine whether they are in compliance with the requirements 1224
of this chapter and the rules adopted under it; 1225

(3) Coordinate the radon licensing program with any radon 1226
programs in schools; 1227

(4) Collect and disseminate information relating to radon 1228
in this state; 1229

(5) Conduct research on indoor radon contamination, which 1230
may include a statewide survey. 1231

(B) The director of health may do any of the following: 1232

(1) Employ individuals with training necessary to 1233

implement the requirements of this chapter and the rules adopted under it, and pay the license fee or license renewal fee established under section 3723.09 of the Revised Code for any such employee who is required to be licensed under this chapter;	1234 1235 1236 1237
(2) Conduct inspections as he <u>the director</u> considers necessary to determine whether the requirements of this chapter and the rules adopted under it have been met;	1238 1239 1240
(3) Conduct training programs and establish and collect fees to cover the cost of conducting them;	1241 1242
(4) Advise, consult with, cooperate with, and enter into contracts or grant agreements with any individual, business entity, government entity, interstate agency, or the federal government as he <u>the director</u> considers appropriate to fulfill the requirements of this chapter and the rules adopted under it;	1243 1244 1245 1246 1247
(5) Consult with and seek recommendations from the radiation advisory council established under section 3748.20 of the Revised Code with respect to the implementation of this chapter;	1248 1249 1250 1251
(6) Delegate his <u>the director's</u> authority and duties under this chapter to any division, bureau, agency, or employee of the department of health;	1252 1253 1254
(7) Collect information required to be reported to him <u>the director</u> under any rules adopted under section 3723.09 of the Revised Code.	1255 1256 1257
Sec. 3723.09. (A) To protect the health of individuals inhabiting, occupying, or frequenting buildings, the director of health shall adopt rules to implement the requirements of this chapter. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.	1258 1259 1260 1261 1262

(B) The director shall adopt rules establishing criteria and procedures for issuing and renewing licenses under section 3723.06 of the Revised Code to ~~radon testers, mitigation specialists, and mitigation contractors~~. The rules may require that all applicants for licensure as a radon ~~tester or~~ mitigation specialist pass an examination. If an examination is required, the rules may require applicants to pass an examination conducted by the department or an appropriate examination conducted by the United States environmental protection agency. 1263
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(C) The director shall adopt rules establishing criteria and procedures for approving training courses under section 3723.07 of the Revised Code. The rules may require that participants in training courses pass an examination conducted by the operator of the course and may require that the examinations be approved by the director. 1273
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(D) The director shall adopt rules establishing criteria and procedures for approving radon laboratories under section 3723.07 of the Revised Code. 1279
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(E) The director shall adopt rules establishing reasonable fees for ~~licenses, license renewals, radon laboratory approvals, and training course approvals~~. 1282
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(F) The director shall adopt rules establishing standards to be followed by licensed radon ~~testers, mitigation specialists, and mitigation contractors~~ for the prevention of hazards to the public health, including standards for ~~worker protection, record keeping, and training of employees of licensed radon mitigation contractors~~. 1285
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(G) The director shall adopt rules establishing procedures 1291

to be followed by any individual, ~~business entity, or government entity~~ licensed by another state to practice as a radon ~~tester, mitigation specialist, or mitigation contractor~~ in providing notice to the director of health prior to commencing practice in this state pursuant to section 3723.03 of the Revised Code. 1292
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(H) The director may adopt rules that require licensed radon ~~testers and~~ mitigation specialists to report to the director, by street address, radon test results that indicate the presence of radon at a level considered to be dangerous as determined by the director. The rules may require the reporting of screening measurements, follow-up measurements, post-mitigation measurements, and, if it is known that radon mitigation has been performed, the methods of mitigation that were used. Any information required to be reported to the director under these rules is not a public record under section 149.43 of the Revised Code, and shall not be released except in aggregate statistical form. 1297
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Sec. 3723.10. Any individual, business entity, or government entity may file a complaint with the director of health concerning any radon ~~tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or a training course approved under section 3723.07 of the Revised Code. The complainant's name shall be confidential and shall not be released without his the complainant's written consent.~~ 1309
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The director may investigate complaints and take action under section 3723.06, 3723.07, or division (A)(1) of section 3723.08 of the Revised Code as ~~he~~ the director considers necessary and appropriate. 1316
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Sec. 3723.11. The director of health shall maintain a list of all licensed radon ~~testers, mitigation specialists, and~~ 1320
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~~mitigation contractors~~. On request, the director shall provide a 1322
copy of all or part of the list to any individual, business 1323
entity, or government entity. The director shall not impose a 1324
charge for providing the copy that exceeds the actual and 1325
necessary expense of copying it. 1326

Sec. 3723.13. If the director of health requests to 1327
examine such records, no licensed radon ~~tester~~, mitigation 1328
~~specialist~~, ~~mitigation contractor~~, or operator of a radon 1329
laboratory or a training course approved under section 3723.07 1330
of the Revised Code shall fail to make available to the director 1331
any records pertinent to the activities regulated by this 1332
chapter and the rules adopted under it. 1333

Sec. 3723.15. (A) At the request of the director of 1334
health, the attorney general may bring a civil action for 1335
appropriate relief, including a temporary restraining order, 1336
preliminary or permanent injunction, and civil penalties, in the 1337
court of common pleas of the county in which a violation has 1338
occurred, is occurring, or is threatening to occur against any 1339
~~individual, business entity, or government entity~~ that has 1340
violated, is violating, or threatens to violate a requirement of 1341
this chapter or a rule adopted under it. In accordance with the 1342
Rules of Civil Procedure, the court of common pleas in which an 1343
action for injunction is filed has jurisdiction to grant, and 1344
shall grant, a temporary restraining order and preliminary and 1345
permanent injunctive relief upon a showing that the individual, 1346
~~business entity, or government entity~~ against whom the action is 1347
brought has violated, is violating, or threatens to violate a 1348
requirement of this chapter or a rule adopted under it. In an 1349
action for a civil penalty, the court may impose upon an 1350
~~individual, or business entity~~ found to have violated a 1351
requirement of this chapter or a rule adopted under it a civil 1352

penalty of not more than one thousand dollars for each day of
violation. Moneys resulting from civil penalties imposed under
this section shall be credited to the radon program fund created
pursuant to section 3723.14 of the Revised Code. 1353
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(B) The remedies provided in this section are in addition
to remedies otherwise available under any federal or state law
or ordinance of a municipal corporation. 1357
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Sec. 3723.16. At the request of the director of health, an
individual ~~or business entity~~ that is violating or has violated
any requirement of this chapter or the rules adopted under it
may be prosecuted by the attorney general or by the prosecuting
attorney, city director of law, village solicitor, or similar
prosecuting authority of the political subdivision in which the
violation occurred or is occurring. 1360
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Sec. 3723.17. (A) If radon testing or mitigation is
performed or any related advice is provided in accordance with
any procedures established under federal law or the Revised
Code, the liability of a licensed radon ~~tester, mitigation~~
~~specialist, or mitigation contractor~~ for injury, death, or loss
to person or property allegedly caused by or otherwise related
to radon testing or mitigation or related advice is limited to
liability for actions or omissions that are established, by a
preponderance of the evidence, to have been negligent. 1367
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Establishment by a preponderance of the evidence that actions or
omissions relating to radon testing or mitigation or related
advice were at the time of occurrence in accordance both with
generally accepted practice and with any procedures established
under federal law or the Revised Code creates a rebuttable
presumption that the actions or omissions were not negligent. 1376
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(B) The liability of an individual or business entity, 1382

other than the owner or occupant of the affected building or 1383
real property, contracting with a licensed radon ~~tester~~, 1384
mitigation specialist, ~~or mitigation contractor~~ for injury, 1385
death, or loss to person or property allegedly caused by the 1386
~~radon tester, mitigation specialist, or mitigation contractor~~ is 1387
limited to actions or omissions that the individual or business 1388
entity knew, or reasonably should have known, were not, at the 1389
time of occurrence, in accordance with generally accepted 1390
practice or with any procedures established under federal law or 1391
the Revised Code. 1392

(C) This section governs all claims for injury, death, or 1393
loss to person or property arising from radon testing or 1394
mitigation or the provision of any related advice. 1395

Sec. 3723.99. Whoever violates division (A) of section 1396
3723.02, division (C) ~~or (D)~~ of section 3723.04, section 1397
3723.05, or section 3723.13 of the Revised Code is guilty of a 1398
misdemeanor of the first degree. Each day of violation is a 1399
separate offense. 1400

Sec. 3742.03. The director of health shall adopt rules in 1401
accordance with Chapter 119. of the Revised Code for the 1402
administration and enforcement of sections 3742.01 to 3742.19 1403
and 3742.99 of the Revised Code. The rules shall specify all of 1404
the following: 1405

(A) Procedures to be followed by a lead abatement 1406
contractor, lead abatement project designer, lead abatement 1407
worker, lead inspector, or lead risk assessor licensed under 1408
section 3742.05 of the Revised Code for undertaking lead 1409
abatement activities and procedures to be followed by a 1410
clearance technician, lead inspector, or lead risk assessor in 1411
performing a clearance examination; 1412

(B) (1) Requirements for training and licensure, in	1413
addition to those established under section 3742.08 of the	1414
Revised Code, to include levels of training and periodic	1415
refresher training for each class of worker, and to be used for	1416
licensure under section 3742.05 of the Revised Code. Except in	1417
the case of clearance technicians, these requirements shall	1418
include at least twenty-four classroom hours of training based	1419
on the Occupational Safety and Health Act training program for	1420
lead set forth in 29 C.F.R. 1926.62. For clearance technicians,	1421
the training requirements to obtain an initial license shall not	1422
exceed six hours and the requirements for refresher training	1423
shall not exceed two hours every four years. In establishing the	1424
training and licensure requirements, the director shall consider	1425
the core of information that is needed by all licensed persons,	1426
and establish the training requirements so that persons who	1427
would seek licenses in more than one area would not have to take	1428
duplicative course work.	1429
(2) Persons certified by the American board of industrial	1430
hygiene as a certified industrial hygienist or as an industrial	1431
hygienist-in-training, and persons registered as an	1432
environmental health specialist or environmental health	1433
specialist in training under Chapter 3776. of the Revised Code,	1434
shall be exempt from any training requirements for initial	1435
licensure established under this chapter, but shall be required	1436
to take any examinations for licensure required under section	1437
3742.05 of the Revised Code.	1438
(C) <u>Fees</u> — <u>The fees for licenses issued—the issuance and</u>	1439
<u>renewal of a lead abatement worker license under section 3742.05</u>	1440
<u>of the Revised Code—and for their renewal;</u>	1441
(D) Procedures to be followed by lead inspectors, lead	1442

abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;	1443 1444 1445 1446 1447
(E) (1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects and record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, and clearance technicians for clearance examinations;	1448 1449 1450 1451 1452 1453 1454 1455
(2) Record-keeping and reporting requirements regarding lead poisoning to be followed by physicians, certified nurse-midwives if authorized as described in section 4723.438 of the Revised Code, clinical nurse specialists, and certified nurse practitioners;	1456 1457 1458 1459 1460
(3) Information that is required to be reported under rules based on divisions (E) (1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.	1461 1462 1463 1464 1465
(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;	1466 1467 1468
(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;	1469 1470
(H) Requirements under which a manufacturer of	1471

encapsulants must demonstrate evidence of the safety and 1472
durability of its encapsulants by providing results of testing 1473
from an independent laboratory indicating that the encapsulants 1474
meet the standards developed by the "E06.23.30 task group on 1475
encapsulants," which is the task group of the lead hazards 1476
associated with buildings subcommittee of the performance of 1477
buildings committee of the American society for testing and 1478
materials. 1479

Sec. 3742.05. (A) (1) The director of health shall issue 1480
lead inspector, lead abatement contractor, lead risk assessor, 1481
lead abatement project designer, lead abatement worker, and 1482
clearance technician licenses. Except as provided in division 1483
(C) of this section, the director shall issue a license to an 1484
applicant who meets all of the following requirements: 1485

(a) Submits an application to the director on a form 1486
prescribed by the director; 1487

(b) Meets the licensing and training requirements 1488
established in rules adopted under section 3742.03 of the 1489
Revised Code; 1490

(c) Successfully completes the licensing examination for 1491
the applicant's area of expertise administered under section 1492
3742.08 of the Revised Code and any training required by the 1493
director under that section; 1494

(d) Pays the applicable license fee as follows: 1495

(i) For a lead inspector or lead risk assessor license, 1496
two hundred dollars; 1497

(ii) For a lead abatement contractor or lead abatement 1498
project designer license, two hundred fifty dollars; 1499

<u>(iii) For a clearance technician license, one hundred</u>	1500
<u>fifty dollars;</u>	1501
<u>(iv) For a lead abatement worker license, the fee</u>	1502
established in rules adopted under section 3742.03 of the	1503
Revised Code.	1504
(e) Provides the applicant's social security number and	1505
any information the director may require to demonstrate the	1506
applicant's compliance with this chapter and the rules adopted	1507
under it.	1508
(2) An individual may hold more than one license issued	1509
under this section, but a separate application is required for	1510
each license.	1511
(B) A license issued under this section expires two years	1512
after the date of issuance. The director shall renew a license	1513
in accordance with the standard renewal procedure set forth in	1514
Chapter 4745. of the Revised Code, if the licensee does all of	1515
the following:	1516
(1) Continues to meet the requirements of division (A) of	1517
this section;	1518
(2) Demonstrates compliance with procedures to prevent	1519
public exposure to lead hazards and for worker protection during	1520
lead abatement projects established in rules adopted under	1521
section 3742.03 of the Revised Code;	1522
(3) Meets the record-keeping and reporting requirements	1523
for lead abatement projects or clearance examinations	1524
established in rules adopted under section 3742.03 of the	1525
Revised Code;	1526
(4) Pays the <u>applicable</u> license renewal fee <u>as follows:</u>	1527

<u>(a) For a lead inspector or lead risk assessor license,</u>	1528
<u>two hundred dollars;</u>	1529
<u>(b) For a lead abatement contractor or lead abatement</u>	1530
<u>project designer license, two hundred fifty dollars;</u>	1531
<u>(c) For a clearance technician license, one hundred fifty</u>	1532
<u>dollars;</u>	1533
<u>(d) For a lead abatement worker license, the fee</u>	1534
established in rules adopted under section 3742.03 of the	1535
Revised Code.	1536
(C) The director shall issue a lead inspector, lead	1537
abatement contractor, lead risk assessor, lead abatement project	1538
designer, lead abatement worker, or clearance technician license	1539
in accordance with Chapter 4796. of the Revised Code to an	1540
applicant if either of the following applies:	1541
(1) The applicant holds a license in another state.	1542
(2) The applicant has satisfactory work experience, a	1543
government certification, or a private certification as	1544
described in that chapter as a lead inspector, lead abatement	1545
contractor, lead risk assessor, lead abatement project designer,	1546
lead abatement worker, or clearance technician in a state that	1547
does not issue one or more of those licenses.	1548
Sec. 3748.01. As used in this chapter:	1549
(A) "Byproduct material" means either of the following:	1550
(1) Any radioactive material, except special nuclear	1551
material, yielded in or made radioactive by exposure to	1552
radiation incident to the process of producing or utilizing	1553
special nuclear material;	1554

(2) The tailings or wastes produced by the extraction or
concentration of uranium or thorium from any ore processed
primarily for its source material content. 1555
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(B) "~~Certified radiation Radiation expert~~" means an
individual who ~~has complied with all of the following:~~ 1558
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~~(1) Applied to the director of health for certification as~~ 1560
~~a radiation expert under section 3748.12 of the Revised Code;~~ 1561

~~(2) Met minimum education and experience requirements~~ 1562
~~established in rules adopted under division (C) of section~~ 1563
~~3748.04 of the Revised Code;~~ 1564

~~(3) Been granted a certificate as a radiation expert by~~ 1565
~~the director under section 3748.12 of the Revised Code~~possesses 1566
a valid, unexpired certification from the American board of 1567
radiology or American board of medical physics that qualifies 1568
the individual to develop, provide periodic review of, and 1569
conduct audits of a quality assurance program. 1570

(C) "Closure" or "site closure" refers to a facility for
the disposal of low-level radioactive waste or a byproduct
material site, as "byproduct material" is defined in division
(A) (2) of this section, and means all activities performed at a
licensed operation, such as stabilization and contouring, to
ensure that the site where the operation occurred is in a stable
condition so that only minor custodial care, surveillance, and
monitoring are necessary at the site following the termination
of the licensed operation. 1571
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(D) "Decommissioning" means to safely remove any licensed
operation from service and reduce residual radioactivity to a
level that permits release of the licensee's property for
unrestricted use. With regard to a facility for the disposal of 1580
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low-level radioactive waste or a byproduct material site, as 1584
"byproduct material" is defined in division (A)(2) of this 1585
section, "decommissioning" does not include the reduction of 1586
residual radioactivity to a level that permits release of the 1587
facility for unrestricted use. 1588

(E) "Director of health" includes a designee or authorized 1589
representative of the director. 1590

(F) "Disposal," with regard to low-level radioactive 1591
waste, means the permanent isolation of that waste in accordance 1592
with requirements established by the United States nuclear 1593
regulatory commission or the licensing agreement state. 1594

(G) "Disposal site" means that portion of a facility that 1595
is used for the disposal of low-level radioactive waste and that 1596
consists of disposal units and a buffer zone. "Disposal unit" 1597
means a discrete portion of such a facility into which low-level 1598
radioactive waste is placed for disposal. 1599

(H) (1) Except as provided in division (H)(2) of this 1600
section, "facility" means the state, any political subdivision, 1601
person, public or private institution, or group, or any unit of 1602
one of those entities, but does not include the federal 1603
government or any of its agencies. 1604

(2) For the purposes of the disposal of low-level 1605
radioactive waste, "facility" has the same meaning as in section 1606
3747.01 of the Revised Code. 1607

(I) "Handle" means receive, possess, use, store, transfer, 1608
install, service, or dispose of sources of radiation unless 1609
possession is solely for the purpose of transportation. 1610

(J) "Handler" means a facility that handles sources of 1611
radiation unless possession is solely for the purpose of 1612

transportation. 1613

(K) "Inspection" means an official review, examination, or 1614
observation, including, without limitation, tests, surveys, and 1615
monitoring, that is used to determine compliance with rules, 1616
orders, requirements, and conditions of the department of health 1617
and that is conducted by the director of health. 1618

(L) "Low-level radioactive waste" has the same meaning as 1619
in section 3747.01 of the Revised Code with regard to the 1620
disposal of low-level radioactive waste. In regard to regulatory 1621
control at locations other than a disposal facility, "low-level 1622
radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b. 1623

(M) "Quality assurance program" means a program providing 1624
for verification by written procedures such as testing, 1625
auditing, and inspection to ensure that deficiencies, 1626
deviations, defective equipment, or unsafe practices, or a 1627
combination thereof, relating to the use, disposal, management, 1628
or manufacture of radiation sources are identified, promptly 1629
corrected, and reported to the appropriate regulatory 1630
authorities. 1631

(N) "Radiation" means ionizing and nonionizing radiation. 1632

(1) "Ionizing radiation" means gamma rays and X-rays, 1633
alpha and beta particles, high-speed electrons, neutrons, 1634
protons, and other nuclear particles, but does not include sound 1635
or radio waves or visible, infrared, or ultraviolet light. 1636

(2) "Nonionizing radiation" means any electromagnetic 1637
radiation, other than ionizing electromagnetic radiation, or any 1638
sonic, ultrasonic, or infrasonic wave. 1639

(O) "Radioactive material" means any solid, liquid, or 1640
gaseous material that emits ionizing radiation spontaneously. 1641

"Radioactive material" includes accelerator-produced and	1642
naturally occurring materials and byproduct, source, and special	1643
nuclear material.	1644
(P) "Radiation-generating equipment" means any	1645
manufactured product or device, or component of such a product	1646
or device, or any machine or system that during operation can	1647
generate or emit radiation, except those that emit radiation	1648
only from radioactive material. "Radiation-generating equipment"	1649
does not include either of the following:	1650
(1) Diathermy machines;	1651
(2) Microwave ovens, including food service microwave	1652
ovens used for commercial and industrial uses, television	1653
receivers, electric lamps, and other household appliances and	1654
products that generate very low levels of radiation.	1655
(Q) "Source material" means uranium, thorium, or any	1656
combination thereof in any physical or chemical form, or any	1657
ores that contain by weight at least one-twentieth of one per	1658
cent of uranium, thorium, or any combination thereof. "Source	1659
material" does not include special nuclear material.	1660
(R) "Source of radiation" means radioactive material or	1661
radiation-generating equipment.	1662
(S) "Special nuclear material" means either of the	1663
following:	1664
(1) Plutonium, uranium 233, uranium enriched in the	1665
isotope 233 or in the isotope 235, and any other material that	1666
the United States nuclear regulatory commission determines to be	1667
special nuclear material, but does not include source material	1668
pursuant to section 51 of the "Atomic Energy Act of 1954," 68	1669
Stat. 919, 42 U.S.C.A. 2071.	1670

(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S) (1) of this section.	1671 1672 1673
(T) "Storage" means the retention of radioactive materials, including low-level radioactive waste, prior to disposal in a manner that allows for surveillance, control, and subsequent retrieval.	1674 1675 1676 1677
(U) "Medical practitioner" means a person who is authorized pursuant to Chapter 4715. of the Revised Code to practice dentistry; pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; or pursuant to Chapter 4734. of the Revised Code to practice chiropractic.	1678 1679 1680 1681 1682 1683
(V) "Medical-practitioner group" means a corporation, partnership, or other business entity, other than a hospital as defined in section 3727.01 of the Revised Code, consisting of medical practitioners.	1684 1685 1686 1687
(W) "Naturally occurring radioactive material" means material that contains any nuclide that is radioactive in its natural physical state. "Naturally occurring radioactive material" does not include source material, byproduct material, or special nuclear material.	1688 1689 1690 1691 1692
(X) "Technologically enhanced naturally occurring radioactive material" means naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities. "Technologically enhanced naturally occurring radioactive material" does not include drill cuttings, natural background radiation, byproduct material, or source material.	1693 1694 1695 1696 1697 1698 1699

(Y) "Drill cuttings" means the soil, rock fragments, and
pulverized material that are removed from a borehole and that
may include a de minimus amount of fluid that results from a
drilling process. 1700
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Sec. 3748.04. The director of health, in accordance with
Chapter 119. of the Revised Code, shall adopt and may amend or
rescind rules doing all of the following: 1704
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(A) Listing types of radioactive material for which
licensure by its handler is required and types of radiation-
generating equipment for which registration by its handler is
required, and establishing requirements governing them. Rules
adopted under division (A) of this section shall be compatible
with applicable federal regulations and shall establish all of
the following, without limitation: 1707
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(1) Requirements governing both of the following: 1714

(a) The licensing and inspection of handlers of
radioactive material. Standards established in rules adopted
under division (A)(1)(a) of this section regarding byproduct
material or any activity that results in the production of that
material, to the extent practicable, shall be equivalent to or
more stringent than applicable standards established by the
United States nuclear regulatory commission. 1715
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(b) The registration and inspection of handlers of
radiation-generating equipment. Standards established in rules
adopted under division (A)(1)(b) of this section, to the extent
practicable, shall be equivalent to applicable standards
established by the food and drug administration in the United
States department of health and human services. 1722
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(2) Identification of and requirements governing 1728

possession and use of specifically licensed and generally licensed quantities of radioactive material as either sealed sources or unsealed sources;	1729 1730 1731
(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;	1732 1733 1734 1735 1736
(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;	1737 1738 1739
(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;	1740 1741 1742 1743
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	1744 1745 1746
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	1747 1748 1749
(8) Fees for both of the following:	1750
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	1751 1752 1753
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	1754 1755 1756

(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:	1757 1758 1759
(a) The inspection of handlers of radioactive material;	1760
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	1761 1762 1763
(B) (1) Identifying sources of radiation, circumstances of possession, use, or disposal of sources of radiation, and levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	1764 1765 1766 1767
(2) Establishing requirements for the achievement and maintenance of compliance with standards for the receipt, possession, use, storage, installation, transfer, servicing, and disposal of sources of radiation to prevent levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	1768 1769 1770 1771 1772 1773
(3) Requiring the maintenance of records on the receipt, use, storage, transfer, and disposal of radioactive material, including technologically enhanced naturally occurring radioactive material, and on the radiological safety aspects of the use and maintenance of radiation-generating equipment. The rules adopted under division (B) (3) of this section shall not require maintenance of records regarding naturally occurring radioactive material.	1774 1775 1776 1777 1778 1779 1780 1781
In adopting rules under divisions (A) and (B) of this section, the director shall do the following: use standards no less stringent than the regulations adopted by the United States nuclear regulatory commission, the United States environmental	1782 1783 1784 1785

protection agency, and the United States department of health and human services; consider reports of the national council on radiation protection and measurements and the relevant standards of the American national standards institute; and use the "Suggested State Regulations for Control of Radiation" prepared by the conference of radiation control program directors, inc., except that the director may deviate from those regulations if the director determines that doing so is warranted and does not pose a health, environmental, or safety risk. 1786
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~~(C) Establishing fees, procedures, and requirements for certification as a radiation expert, including all of the following, without limitation:~~ 1795
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~~(1) Minimum training and experience requirements;~~ 1798

~~(2) Procedures for applying for certification;~~ 1799

~~(3) Procedures for review of applications and issuance of certificates;~~ 1800
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~~(4) Procedures for suspending and revoking certification.~~ 1802

~~(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;~~ 1803
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~~(E) Establishing the responsibilities of a radiation expert;~~ 1805
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~~(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;~~ 1807
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~~(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory~~ 1810
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authority from the commission to the state pursuant to section 1814
3748.03 of the Revised Code. Rules adopted under this division 1815
shall stipulate that fees so established do not apply to any 1816
functions dealing specifically with a facility for the disposal 1817
of low-level radioactive waste. Fees collected under this 1818
division shall be deposited into the state treasury to the 1819
credit of the general operations fund created in section 3701.83 1820
of the Revised Code. The fees shall be used solely to administer 1821
and enforce this chapter and rules adopted under it. 1822

(H) Establishing fees to be collected annually from 1823
generators of low-level radioactive waste, which shall be based 1824
upon the volume and radioactivity of the waste generated and the 1825
costs of administering low-level radioactive waste management 1826
activities under this chapter and rules adopted under it. All 1827
fees collected under this division shall be deposited into the 1828
state treasury to the credit of the general operations fund 1829
created in section 3701.83 of the Revised Code. The fees shall 1830
be used solely to administer and enforce this chapter and rules 1831
adopted under it. Any fee required under this division that 1832
remains unpaid on the ninety-first day after the original 1833
invoice date shall be assessed an additional amount equal to ten 1834
per cent of the original fee. 1835

(I) Establishing requirements governing closure, 1836
decontamination, decommissioning, reclamation, and long-term 1837
surveillance and care of a facility licensed under this chapter 1838
and rules adopted under it. Rules adopted under division (I) 1839
of this section shall include, without limitation, all of the 1840
following: 1841

(1) Standards and procedures to ensure that a licensee 1842
prepares a decommissioning funding plan that provides an 1843

adequate financial guaranty to permit the completion of all requirements governing the closure, decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with a licensed activity;	1844 1845 1846 1847
(2) For licensed activities where radioactive material that will require surveillance or care is likely to remain at the site after the licensed activities cease, as indicated in the application for the license submitted under section 3748.07 of the Revised Code, standards and procedures to ensure that the licensee prepares an additional decommissioning funding plan for long-term surveillance and care, before termination of the license, that provides an additional adequate financial guaranty as necessary to provide for that surveillance and care;	1848 1849 1850 1851 1852 1853 1854 1855 1856
(3) For the purposes of the decommissioning funding plans required in rules adopted under divisions (I)(1)(H)(1) and (2) of this section, the types of acceptable financial guaranties, which shall include bonds issued by fidelity or surety companies authorized to do business in the state, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, trust funds, escrow accounts, or other similar types of arrangements, but shall not include any arrangement that constitutes self-insurance;	1857 1858 1859 1860 1861 1862 1863 1864 1865
(4) A requirement that the decommissioning funding plans required in rules adopted under divisions (I)(1)(H)(1) and (2) of this section contain financial guaranties in amounts sufficient to ensure compliance with any standards established by the United States nuclear regulatory commission, or by the state if it has become an agreement state pursuant to section 3748.03 of the Revised Code, pertaining to closure, decontamination, decommissioning, reclamation, and long-term	1866 1867 1868 1869 1870 1871 1872 1873

surveillance and care of licensed activities and sites of licensees.	1874 1875
Standards established in rules adopted under division <u>(I)</u> <u>(H)</u> of this section regarding any activity that resulted in the production of byproduct material, as defined in division (A) (2) of section 3748.01 of the Revised Code, to the extent practicable, shall be equivalent to or more stringent than standards established by the United States nuclear regulatory commission for sites at which ores were processed primarily for their source material content and at which byproduct material, as defined in division (A) (2) of section 3748.01 of the Revised Code, is deposited.	1876 1877 1878 1879 1880 1881 1882 1883 1884 1885
<u>(J)</u> <u>(I)</u> Establishing criteria governing inspections of a facility for the disposal of low-level radioactive waste, including, without limitation, the establishment of a resident inspector program at such a facility;	1886 1887 1888 1889
<u>(K)</u> <u>(J)</u> Establishing requirements and procedures governing the filing of complaints under section 3748.16 of the Revised Code, including, without limitation, those governing intervention in a hearing held under division (B) (3) of that section;	1890 1891 1892 1893 1894
<u>(L)</u> <u>(K)</u> Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.	1895 1896 1897 1898
Sec. 3748.05. (A) The director of health shall do all of the following:	1899 1900
(1) Administer and enforce this chapter and the rules adopted under it;	1901 1902

(2) Collect and make available information relating to sources of radiation;	1903 1904
(3) Ensure the review of plans and specifications, submitted in accordance with rules adopted by the director, for the control of radiation that constitutes an unreasonable or unnecessary risk to human health or the environment;	1905 1906 1907 1908
(4) Review reports of quality assurance audits performed by certified -radiation experts under this chapter and the rules adopted under it;	1909 1910 1911
(5) Ensure that programs for the control of sources of radiation are developed with due regard for compatibility with federal programs for the regulation of byproduct, source, and special nuclear materials;	1912 1913 1914 1915
(6) In accordance with Chapter 119. of the Revised Code, adopt, and subsequently may amend and rescind, rules providing for the administrative assessment and collection of monetary penalties for failure by any facility licensed under this chapter and rules adopted under it to comply with this chapter and those rules. The director may require the submission of compliance schedules and other related information. Any orders issued or payments or other requirements imposed pursuant to rules adopted under division (A) (6) of this section shall not affect any civil or criminal enforcement proceeding brought under this chapter or any other provision of state or local law. Moneys collected as administrative penalties imposed pursuant to rules adopted under division (A) (6) of this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The moneys shall be used solely to administer and enforce this chapter and the rules adopted under it.	1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932

(7) Maintain files of both of the following:	1933
(a) All license and registration applications, issuances, denials, amendments, renewals, suspensions, and revocations and any administrative or judicial action pertaining to them;	1934 1935 1936
(b) All rules adopted under this chapter, or proposed to be adopted, relating to the regulation of sources of radiation and proceedings on them.	1937 1938 1939
(B) The director may do any or all of the following:	1940
(1) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, industries, and other affected groups in furtherance of the purposes of this chapter and the rules adopted under it;	1941 1942 1943 1944 1945
(2) Accept and administer grants from the federal government and from other sources, public or private, for carrying out any of the director's functions under this chapter and the rules adopted under it;	1946 1947 1948 1949
(3) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the detection and control of radiation that constitutes an unreasonable or unnecessary risk to human health or the environment, the measurement of radiation, the evaluation of potential effects on health of cumulative or acute exposure to radiation, the development and improvement of methods to limit and reduce the generation of radioactive waste, and related problems as the director considers necessary or advisable;	1950 1951 1952 1953 1954 1955 1956 1957 1958
(4) In accordance with Chapter 119. of the Revised Code, adopt rules establishing criteria under which other agencies of the state or private entities may perform inspections of x-ray	1959 1960 1961

equipment at registered dental facilities at the request of the 1962
facility or pursuant to contract with the department; 1963

(5) Exercise all incidental powers necessary to carry out 1964
the purposes of this chapter and the rules adopted under it, 1965
including, without limitation, the issuance of orders. 1966

Sec. 3748.11. (A) A facility that is licensed under this 1967
chapter and rules adopted under it, including a facility that is 1968
licensed for the disposal of low-level radioactive waste, shall 1969
comply with all applicable rules adopted under division ~~(I)~~(H) 1970
of section 3748.04 of the Revised Code governing closure, 1971
decontamination, decommissioning, reclamation, and long-term 1972
surveillance and care of its licensed activity. 1973

(B) Unless there is federal jurisdiction for oversight of 1974
closure, decontamination, decommissioning, reclamation, and 1975
long-term surveillance and care of a licensed activity, those 1976
actions are the responsibility of the state. 1977

(C) When the director of health finds that a licensee has 1978
failed to comply with all requirements governing closure, 1979
decontamination, decommissioning, and reclamation of its 1980
licensed activity, the director shall make a finding of that 1981
fact and declare any financial guaranty provided for in the 1982
licensee's decommissioning funding plan prepared in accordance 1983
with rules adopted under division ~~(I)~~(H) (1) of section 1984
3748.04 of the Revised Code forfeited in the amount established 1985
by the director. The director shall certify the total forfeiture 1986
to the attorney general, who shall collect the amount. 1987

Except as otherwise provided in this section, moneys 1988
collected from forfeitures under this division shall be 1989
deposited into the state treasury to the credit of the radiation 1990

site closure and reclamation fund, which is hereby created. All 1991
investment earnings of the fund shall be credited to the fund. 1992
The director shall use moneys in the fund exclusively to 1993
complete actions necessary to comply with requirements governing 1994
closure, decontamination, decommissioning, and reclamation 1995
regarding licensed activities for which financial guaranties 1996
have been forfeited under this division. The director may enter 1997
into contracts for those purposes. 1998

(D) When the director finds that a licensee to whom 1999
standards and procedures established in rules adopted under 2000
~~division (I)(2)(H)(2)~~ of section 3748.04 of the Revised Code 2001
apply has failed to comply with long-term surveillance and care 2002
requirements established in rules adopted under division (I) of 2003
that section, the director shall make a finding of that fact and 2004
declare any financial guaranty provided for in the licensee's 2005
decommissioning funding plan prepared in accordance with rules 2006
adopted under division (I)(2) of that section forfeited in the 2007
amount established by the director. The director shall certify 2008
the total forfeiture to the attorney general, who shall collect 2009
the amount. 2010

Except as otherwise provided in this section, moneys 2011
collected from forfeitures under this division shall be 2012
deposited into the state treasury to the credit of the radiation 2013
long-term care fund, which is hereby created. All investment 2014
earnings of the fund shall be credited to the fund. The director 2015
shall use moneys in the fund exclusively to complete actions 2016
necessary to comply with requirements governing long-term 2017
surveillance, care, and maintenance regarding licensed 2018
activities for which financial guaranties have been forfeited 2019
under this division. The director may enter into contracts for 2020
those purposes. 2021

(E) Moneys collected from the forfeiture of any financial
guaranty under division (C) or (D) of this section by the
licensee of a facility for the disposal of low-level radioactive
waste shall be deposited into the state treasury to the credit
of the long-term care fund created pursuant to section 3747.01
of the Revised Code. 2022
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Sec. 3748.13. (A) The director of health shall inspect
sources of radiation for which licensure or registration by the
handler is required, and the sources' shielding and
surroundings, according to the schedule established in rules
adopted under division ~~(D)~~(C) of section 3748.04 of the Revised
Code. In accordance with rules adopted under section 3748.04 of
the Revised Code, the director shall inspect all records and
operating procedures of handlers that install or service sources
of radiation and all sources of radiation for which licensure of
radioactive material or registration of radiation-generating
equipment by the handler is required. The director may make
other inspections upon receiving complaints or other evidence of
a violation of this chapter or rules adopted under it. 2028
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The director shall require any hospital registered under
division (A) of section 3701.07 of the Revised Code to develop
and maintain a quality assurance program for all sources of
radiation-generating equipment. ~~A~~ certified The hospital shall
designate a radiation expert shall to conduct oversight and
maintenance of the program and maintain a record of such
designation. The radiation expert shall file a report of audits
of the program with the director on forms prescribed by the
director. The audit reports shall become part of the inspection
record. 2041
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(B) (1) Except as provided in division (B) (2) of this 2051

section, a facility shall pay inspection fees for radioactive material and radiation-generating equipment according to the schedule and categories established in rules adopted under division (A) (9) of section 3748.04 of the Revised Code. 2052
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(2) A facility that is, or is operated by, a medical practitioner or medical-practitioner group shall pay inspection fees for radiation-generating equipment according to the following schedule and categories: 2056
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A	First dental x-ray tube	\$310.00
B	Each additional dental x-ray tube at the same location	\$154.00
C	First medical x-ray tube	\$614.00
D	Each additional medical x-ray tube at the same location	\$326.00
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$1,220.00
F	First nonionizing radiation-generating equipment of any kind	\$614.00
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$326.00
(C) (1) Except as provided in division (C) (2) of this		2061

section, the fee for the inspection of a facility that proposes 2062
to handle radioactive material or radiation-generating equipment 2063
and is not licensed or registered, and for which no license or 2064
registration application is pending at the time of inspection, 2065
is four hundred seventy-four dollars plus the applicable fee 2066
specified in rules adopted under division (A) (9) of section 2067
3748.04 of the Revised Code. 2068

(2) For a facility that is, or is operated by, a medical 2069
practitioner or medical-practitioner group and proposes to 2070
handle radiation-generating equipment, the fee for an inspection 2071
if the facility is not licensed or registered, and no license or 2072
registration is pending at the time of inspection, is four 2073
hundred seventy-four dollars plus the fee applicable under the 2074
schedule in division (B) (2) of this section. 2075

(D) (1) Except as provided in division (D) (2) of this 2076
section, for a facility that handles radioactive material or 2077
radiation-generating equipment, the fee for an inspection to 2078
determine whether violations cited in a previous inspection have 2079
been corrected is the amount specified in rules adopted under 2080
division (A) (9) of section 3748.04 of the Revised Code. 2081

(2) For a facility that is, or is operated by, a medical 2082
practitioner or medical-practitioner group and handles 2083
radiation-generating equipment, the fee for an inspection to 2084
determine whether violations cited in a previous inspection have 2085
been corrected is fifty per cent of the applicable fee under the 2086
schedule in division (B) (2) of this section. 2087

(E) The director may conduct a review of shielding plans 2088
or the adequacy of shielding on the request of a licensee or 2089
registrant or an applicant for licensure or registration or 2090
during an inspection when the director considers a review to be 2091

necessary. 2092

(1) Except as provided in division (E) (2) of this section, 2093
the fee for the review is the applicable amount specified in 2094
rules adopted under division (A) (9) of section 3748.04 of the 2095
Revised Code. 2096

(2) For a facility that is, or is operated by, a medical 2097
practitioner or medical-practitioner group and handles or 2098
proposes to handle radiation-generating equipment, the fee for 2099
the review is seven hundred sixty-two dollars for each room 2100
where a source of radiation is used and is in addition to any 2101
other fee applicable under the schedule in division (B) (2) of 2102
this section. 2103

(F) All fees shall be paid to the department of health no 2104
later than thirty days after the invoice for the fee is mailed. 2105
Fees shall be deposited in the general operations fund created 2106
in section 3701.83 of the Revised Code. The fees shall be used 2107
solely to administer and enforce this chapter and rules adopted 2108
under it. 2109

(G) Any fee required under this section that remains 2110
unpaid on the ninety-first day after the original invoice date 2111
shall be assessed an additional amount equal to ten per cent of 2112
the original fee. 2113

(H) If the director determines that a board of health of a 2114
city or general health district is qualified to conduct 2115
inspections of radiation-generating equipment, the director may 2116
delegate to the board, by contract, the authority to conduct 2117
such inspections. In making a determination of the 2118
qualifications of a board of health to conduct those 2119
inspections, the director shall evaluate the credentials of the 2120

individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract shall stipulate that only individuals approved by the director as qualified shall be permitted to inspect radiation-generating equipment under the contract's provisions. The contract shall provide for such compensation for services as is agreed to by the director and the board of health of the contracting health district. The director may reevaluate the credentials of the inspection personnel and their radiation detecting and measuring equipment as often as the director considers necessary and may terminate any contract with the board of health of any health district that, in the director's opinion, is not satisfactorily performing the terms of the contract.

(I) The director may enter at all reasonable times upon any public or private property to determine compliance with this chapter and rules adopted under it.

Sec. 3748.16. (A) (1) The director of health shall conduct regular inspections of the facility for the disposal of low-level radioactive waste in accordance with rules adopted under division ~~(J)~~(I) of section 3748.04 of the Revised Code and, in accordance with those rules, shall provide for at least one resident inspector at the facility.

(2) Concentrations of radioactive materials released into the environment during operation, closure, institutional control, and long-term care of the facility shall be kept as low as are reasonably achievable and shall not exceed levels

established in rules adopted under division (A) (7) of section 2151
3748.04 of the Revised Code or the standards set forth in 10 2152
C.F.R. 61.41, whichever are more stringent. The director shall 2153
establish a program to monitor concentrations of radioactive 2154
materials so released and shall conduct an investigation if 2155
monitoring results indicate concentrations of radioactive 2156
materials at levels that are greater than the established 2157
background for a monitoring point to determine the source of the 2158
increased radiation level. 2159

(B) (1) An officer of an agency of the state or of a 2160
political subdivision, acting in the officer's representative 2161
capacity, or any person may file a written complaint with the 2162
director, in accordance with rules adopted under division ~~(K)~~(J) 2163
of section 3748.04 of the Revised Code, regarding the failure or 2164
alleged failure of the facility for the disposal of low-level 2165
radioactive waste to comply with health or safety requirements 2166
established under this chapter or Chapter 3747. of the Revised 2167
Code or rules adopted under them. The complaint shall be 2168
verified by an affidavit of the complainant or the complainant's 2169
agent or attorney. The affidavit may be made before any person 2170
authorized by law to administer oaths and shall be signed by the 2171
officer or person who makes it. The person before whom it was 2172
taken shall certify that it was sworn to before that person and 2173
signed in that person's presence, and the certificate signed 2174
officially by that person shall be evidence that the affidavit 2175
was made, that the name of the officer or person was written by 2176
that officer or person, and that the signer was that officer or 2177
person. 2178

(2) Upon receipt of a complaint under division (B) (1) of 2179
this section, the director shall cause a prompt investigation to 2180
be conducted as is reasonably necessary to determine whether the 2181

facility has failed or is failing to comply with the health or
safety requirements identified in the complaint. The
investigation shall include a discussion of the complaint with
the contractor.

(3) The director may hold a hearing on the complaint. Not
less than twenty days before the hearing, the director shall
cause publication of a notice of the hearing in the county in
which the facility is located and shall mail written notice by
certified mail, return receipt requested, to the complainant and
to the contractor. The hearing shall be conducted before the
director or a hearing examiner designated by the director. The
department of health and the contractor shall be parties. The
complainant may participate as a party by filing with the
director, at any time prior to the hearing, a written notice of
the complainant's intent to participate. Any other person may be
permitted to intervene upon the granting by the director or
hearing examiner of a motion to intervene filed in accordance
with rules adopted under division ~~K~~(J) of section 3748.04 of
the Revised Code.

If the director does not hold a hearing, the director
shall provide an opportunity to the complainant and the
contractor to attend a conference with the director concerning
the complaint.

(4) Following the completion of the investigation under
division (B) (2) of this section and the hearing or conference
under division (B) (3) of this section, if the director
determines that the facility is in compliance with the health or
safety requirements identified in the complaint, the director
shall dismiss the complaint. If the director determines that the
facility is not in compliance with those requirements, the

director shall issue an order under division (B) (4) of section 2212
3748.05 of the Revised Code requiring the contractor to bring 2213
the facility into compliance and to submit a written discussion 2214
of how that will be accomplished. The director also may do any 2215
or all of the following: 2216

(a) Suspend or revoke the facility's license in accordance 2217
with rules adopted under division (A) of section 3748.04 of the 2218
Revised Code; 2219

(b) Issue an order assessing an administrative penalty in 2220
accordance with rules adopted under division (A) (6) of section 2221
3748.05 of the Revised Code; 2222

(c) Request the attorney general, in writing, to commence 2223
appropriate legal proceedings, including a civil action for 2224
imposition of a civil penalty under section 3748.19 of the 2225
Revised Code and criminal prosecution. 2226

(C) If the director suspends or revokes the license of the 2227
facility for the disposal of low-level radioactive waste for any 2228
reason in accordance with rules adopted under division (A) or 2229
(B) of section 3748.04 of the Revised Code, the contractor shall 2230
indemnify the state for any loss suffered by the state as a 2231
result of the lack of disposal capacity for low-level 2232
radioactive waste that otherwise would have been disposed of at 2233
the facility. 2234

(D) The provisions of division (A) of this section 2235
establishing requirements governing the director and divisions 2236
(B) and (C) of this section apply only if the state becomes an 2237
agreement state pursuant to section 3748.03 of the Revised Code. 2238

Sec. 3773.31. As used in sections 3773.31 to 3773.57 of 2239
the Revised Code: 2240

(A) "Professional boxer" means a boxer who competes for a prize, in cash or otherwise, that has a value of more than twenty-five dollars.	2241 2242 2243
(B) "Amateur" means a contestant who does not compete for a prize, in cash or otherwise, that has a value of more than twenty-five dollars.	2244 2245 2246
(C) "Contestant" means a contestant in a public boxing match or exhibition.	2247 2248
(D) "Public boxing match or exhibition" means any public or private competition that involves the sports of boxing, kick boxing, karate, tough man contests or tough guy contests , or any other form of boxing or martial arts, but does not include professional wrestling.	2249 2250 2251 2252 2253
(E) "Tough man contests or tough guy contests" means any competition that involves any physical contact bout between two or more individuals who attempt to knock out the opponent by using boxing, kicking, or choking techniques or martial arts tactics or any combination of such techniques and tactics.	2254 2255 2256 2257 2258
(F) "Public boxing or wrestling match or exhibition" means any public or private competition that involves the sports of boxing, kick boxing, karate, tough man contests or tough guy contests , professional wrestling, or any other form of boxing or martial arts.	2259 2260 2261 2262 2263
(G) "Boxing match or exhibition" means a public or private competition pertaining to the sport of boxing.	2264 2265
Sections 3773.31 to 3773.57 of the Revised Code do not apply to elementary or secondary school, college, or university boxing, karate, or wrestling coaches who receive compensation for teaching or coaching boxing, karate, or wrestling only from	2266 2267 2268 2269

the school, college, or university; to amateur boxers; or to
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boxing, karate, or wrestling matches and exhibitions in which
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all of the contestants are amateur boxers, amateur participants
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in a karate match or exhibition, or amateur wrestlers from an
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elementary or secondary school, a college, or a university. 2274

Sec. 3773.341. (A) The Ohio athletic commission shall 2275
regulate tough man contests and tough guy contests as 2276
competitions that involve mixed martial arts. 2277

(B) Any person who desires to participate in a tough man 2278
contest or tough guy contest as a referee, judge, matchmaker, 2279
timekeeper, manager, trainer, contestant, or second shall be 2280
licensed in the same manner as a participant in a competition 2281
that involves mixed martial arts. The commission shall not 2282
require a separate license for that purpose. 2283

(C) Any person who holds a promoter's license and who 2284
wishes to conduct a tough man contest or tough guy contest 2285
shall obtain a permit in the same manner as for any other 2286
contest regulated by the commission. The commission shall not 2287
require a separate permit for that purpose. 2288

Sec. 3773.35. Any person who wishes to conduct a public or
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private competition that involves boxing, wrestling, mixed
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martial arts, kick boxing, ~~tough man contests, tough guy~~
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~~contests,~~ or any other form of boxing or martial arts shall
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apply to the Ohio athletic commission for a promoter's license.
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Each application shall be filed with the commission on forms
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provided by the commission, and shall be accompanied by an
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application fee as prescribed in section 3773.43 of the Revised
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Code and, with the exception of wrestling events, by a surety
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bond of not less than -twenty thousand dollars conditioned for
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compliance with sections 3773.31 to 3773.57 of the Revised Code
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and the rules of the commission.	2300
The commission shall prescribe the form of the application for the promoter's license. The application shall include the name of the applicant, the post office address of the applicant, and any other information the commission requires.	2301 2302 2303 2304
Sec. 3773.36. (A) Upon the proper filing of an application to conduct any public or private competition that involves boxing, mixed martial arts, kick boxing, tough man contests, tough guy contests, or any other form of boxing or martial arts, accompanied by the surety bond and the application fee, or upon the proper filing of an application to conduct any public or private competition that involves wrestling accompanied by the application fee, the Ohio athletic commission shall issue a promoter's license to the applicant if it finds that the applicant is not in default on any payment, obligation, or debt payable to the state under sections 3773.31 to 3773.57 of the Revised Code, is financially responsible, and is knowledgeable in the proper conduct of such matches or exhibitions.	2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317
(B) Notwithstanding the requirements for a license under division (A) of this section, the commission shall issue a promoter's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	2318 2319 2320 2321
(1) The applicant holds a license in another state.	2322
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a promoter in a state that does not issue that license.	2323 2324 2325 2326
(C) Each license issued pursuant to this section shall bear the name of the licensee, the post office address of the	2327 2328

licensee, the date of expiration, an identification number 2329
designated by the commission, and the seal of the commission. 2330

(D) A promoter's license shall expire twelve months after 2331
its date of issuance and shall become invalid on that date 2332
unless renewed. A promoter's license may be renewed upon 2333
application to the commission and upon payment of the renewal 2334
fee prescribed in section 3773.43 of the Revised Code. The 2335
commission shall renew the license unless it denies the 2336
application for renewal for one or more reasons stated in 2337
section 3123.47 or 3773.53 of the Revised Code. 2338

Sec. 3773.43. The Ohio athletic commission shall charge 2339
the following fees: 2340

(A) For an application for or renewal of a promoter's 2341
license for a public or private competition that involves 2342
boxing, mixed martial arts, kick boxing, ~~tough man contests,~~ 2343
~~tough guy contests,~~ or any other form of boxing or martial arts, 2344
one hundred dollars. 2345

(B) For an application for or renewal of a license to 2346
participate in a public boxing match or exhibition as a 2347
contestant, or as a referee, judge, matchmaker, manager, 2348
timekeeper, trainer, or second of a contestant, twenty dollars. 2349

(C) For a permit to conduct a public boxing match or 2350
exhibition, fifty dollars. 2351

(D) For an application for or renewal of a promoter's 2352
license for a public or private competition that involves 2353
wrestling, two hundred dollars. 2354

(E) For a permit to conduct a professional wrestling match 2355
or exhibition, one hundred dollars. 2356

The commission, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 2357
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The fees prescribed by this section shall be paid to the treasurer of state, who shall deposit the fees in the occupational licensing and regulatory fund. 2361
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Sec. 3773.45. (A) The Ohio athletic commission shall adopt, and may amend or rescind, rules that do both of the following: 2364
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(1) Require the physical examination by appropriate medical personnel of each contestant in any public competition that involves boxing, mixed martial arts, kick boxing, karate, ~~tough man contests~~, or any other form of boxing or martial arts within a specified time period before and after the competition to determine whether the contestant is physically fit to compete in the competition under specified standards, has sustained physical injuries in the competition, or requires follow-up examination; and 2367
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(2) Require the reporting of each examination to the commission. 2376
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(B) No holder of a promoter's license shall conduct a boxing match or exhibition that exceeds twelve rounds. Each round shall be not more than three minutes in length. A period of at least one minute, during which no boxing or sparring takes place, shall occur between rounds. 2378
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No holder of a promoter's license or a permit issued under section 3773.39 of the Revised Code shall allow a professional boxer to participate in more than twelve rounds of boxing within 2383
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a period of seventy-two consecutive hours. For any match or 2386
exhibition or for a class of contestants, the commission may 2387
limit the number of rounds within the maximum of twelve rounds. 2388

(C) No person shall conduct a boxing match or exhibition 2389
unless a licensed referee appointed by the commission and paid 2390
by the person is present. The referee shall direct and control 2391
the match or exhibition. Before each match or exhibition the 2392
referee shall obtain from each contestant the name of the 2393
contestant's chief second and shall hold the chief second 2394
responsible for the conduct of any assistant seconds during the 2395
match or exhibition. The referee may declare a prize, 2396
remuneration, or purse or any part thereof to which a contestant 2397
is otherwise entitled withheld if, in the referee's judgment, 2398
the contestant is not competing or did not compete honestly. A 2399
contestant may appeal the referee's decision in a hearing before 2400
the commission conducted in accordance with section 3773.52 of 2401
the Revised Code. 2402

(D) No person shall hold or conduct a boxing match or 2403
exhibition unless three licensed judges appointed by the 2404
commission and paid by the person are present. Each judge shall 2405
render a decision at the end of each match or exhibition. The 2406
judges shall determine the outcome of the match or exhibition, 2407
and their decision shall be final. 2408

(E) Each contestant in a boxing match or exhibition shall 2409
wear gloves weighing not less than six ounces during the boxing 2410
match or exhibition. 2411

Sec. 3773.54. No person who conducts a public boxing match 2412
or exhibition to which sections 3773.31 to 3773.57 of the 2413
Revised Code apply shall fail to mail to the Ohio athletic 2414
commission a written report that shows the number of tickets 2415

sold for the match or exhibition and the amount of gross 2416
proceeds within twenty-four hours after the determination of the 2417
outcome of the match or exhibition. The person shall pay to the 2418
commission a tax of five per cent of the gross proceeds from the 2419
sale of tickets to the match or exhibition. The commission shall 2420
adopt rules concerning the time of payment of such taxes. Such 2421
taxes shall be levied for the purpose of providing revenue with 2422
which the state may regulate boxing, kick boxing, karate, ~~tough~~ 2423
~~man contests or tough guy contests,~~ wrestling, and any other 2424
form of boxing or martial arts. 2425

The commission, before granting a promoter's license under 2426
section 3773.36 of the Revised Code to any person other than a 2427
promoter of professional wrestling, shall obtain from the 2428
applicant a bond in the sum of not less than one thousand 2429
dollars, to be approved in form and sufficiency of its sureties 2430
by the treasurer of state. The bond shall be payable to the 2431
treasurer of state and shall be conditioned for the payment of 2432
the tax imposed by this section. Upon the filing and approval of 2433
the bond, the treasurer of state shall issue to the applicant 2434
two copies of a certificate verifying the filing and approval. 2435
The applicant shall file one copy in the office of the 2436
commission with the license application. No license shall be 2437
issued until the certificate is filed. 2438

Sec. 3776.05. (A) A person seeking to register as an 2439
environmental health specialist or environmental health 2440
specialist in training shall submit an application to the 2441
director of health on a form prescribed by the director. Along 2442
with the application, the person shall submit the application 2443
fee prescribed in rules adopted under this chapter. 2444

(B) The director shall register an applicant as an 2445

environmental health specialist if the applicant complies with
the examination requirements specified under section 3776.06 of
the Revised Code and meets any of the following education and
employment requirements: 2446
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(1) Graduated from an accredited college or university
with at least a baccalaureate degree, including at least forty-
five quarter units or thirty semester units of science courses,
including courses in life sciences, natural sciences, physical
sciences, health sciences, or public health sciences, that are
approved by the director; and completed at least two years one
year of full-time employment as an environmental health
specialist; 2450
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(2) Graduated from an accredited college or university
with at least a baccalaureate degree, completed a major in
environmental health science which included an internship
program approved by the director; and completed at least one
year six months of full-time employment as an environmental
health specialist; 2458
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(3) Graduated from an accredited college or university
with a degree higher than a baccalaureate degree, including at
least forty-five quarter units or thirty semester units of
science courses, including courses in life sciences, natural
sciences, physical sciences, health sciences, or public health
sciences, that are approved by the director; and completed at
least one year of full-time employment as an environmental
health specialist. 2464
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(C) (1) The director shall register an applicant as an
environmental health specialist in training if the applicant
meets the educational qualifications of division (B) (1), (2), or
(3) of this section, but does not meet the employment 2472
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requirement of any such division. 2476

(2) An environmental health specialist in training shall 2477
apply for registration as an environmental health specialist 2478
within ~~four~~five years after registration as an environmental 2479
health specialist in training. The director may extend the 2480
registration of any environmental health specialist in training 2481
who furnishes, in writing, sufficient cause for not applying for 2482
registration as an environmental health specialist within the 2483
~~four-year~~five-year period. However, the director shall not 2484
extend the registration more than an additional two years beyond 2485
the ~~four-year~~five-year period. 2486

Sec. 4730.10. (A) Except as provided in division (C) of 2487
this section, an individual seeking a license to practice as a 2488
physician assistant shall file with the state medical board a 2489
written application on a form prescribed and supplied by the 2490
board. The application shall include all of the following: 2491

(1) The applicant's name, residential address, business 2492
address, if any, and social security number; 2493

(2) Satisfactory proof that the applicant meets the age 2494
requirement specified in division (A) (1) of section 4730.11 of 2495
the Revised Code; 2496

(3) Satisfactory proof that the applicant meets either the 2497
educational requirements specified in division (B) (1) or (2) of 2498
section 4730.11 of the Revised Code or the educational or other 2499
applicable requirements specified in division (C) (1), (2), or 2500
(3) of that section; 2501

(4) Any other information the board requires. 2502

(B) At the time of making application for a license to 2503
practice, the applicant shall pay the board a fee of ~~four~~one 2504

hundred dollars, no part of which shall be returned. The fees 2505
shall be deposited in accordance with section 4731.24 of the 2506
Revised Code. 2507

(C) The board shall issue a license to practice as a 2508
physician assistant in accordance with Chapter 4796. of the 2509
Revised Code to an applicant if either of the following applies: 2510

(1) The applicant holds a license in another state. 2511

(2) The applicant has satisfactory work experience, a 2512
government certification, or a private certification as 2513
described in that chapter as a physician assistant in a state 2514
that does not issue that license. 2515

Sec. 4730.14. (A) A license to practice as a physician 2516
assistant shall be valid for a two-year period unless revoked or 2517
suspended, shall expire on the date that is two years after the 2518
date of issuance, and may be renewed for additional two-year 2519
periods in accordance with this section. A person seeking to 2520
renew a license shall apply to the state medical board for 2521
renewal prior to the license's expiration date. The board shall 2522
provide renewal notices to license holders at least one month 2523
prior to the expiration date. 2524

Applications shall be submitted to the board in a manner 2525
prescribed by the board. Each application shall be accompanied 2526
by a biennial renewal fee of twoone hundred dollars. The board 2527
shall deposit the fees in accordance with section 4731.24 of the 2528
Revised Code. 2529

The applicant shall report any criminal offense that 2530
constitutes grounds for refusing to issue a license to practice 2531
under section 4730.25 of the Revised Code to which the applicant 2532
has pleaded guilty, of which the applicant has been found 2533

guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a physician assistant. 2534
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(B) To be eligible for renewal of a license, an applicant is subject to all of the following: 2537
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(1) The applicant must certify to the board that the applicant has maintained certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board by meeting the standards to hold current certification from the commission or its successor, including passing periodic recertification examinations; 2539
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(2) Except as provided in section 5903.12 of the Revised Code, the applicant must certify to the board that the applicant is in compliance with the continuing medical education requirements necessary to hold current certification from the commission or its successor. 2546
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(3) The applicant must comply with the renewal eligibility requirements established under section 4730.49 of the Revised Code that pertain to the applicant. 2551
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(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a physician assistant. 2554
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(D) The board may require a random sample of physician assistants to submit materials documenting both of the following: 2558
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(1) Certification by the national commission on certification of physician assistants or a successor 2561
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organization that is recognized by the board; 2563

(2) Completion of the continuing medical education 2564
required to hold current certification from the commission or 2565
its successor. 2566

Division (D) of this section does not limit the board's 2567
authority to conduct investigations pursuant to section 4730.25 2568
of the Revised Code. 2569

(E) A license to practice that is not renewed on or before 2570
its expiration date is automatically suspended on its expiration 2571
date. Continued practice after suspension of the license shall 2572
be considered as practicing in violation of division (A) of 2573
section 4730.02 of the Revised Code. 2574

(F) If a license has been suspended pursuant to division 2575
(E) of this section for two years or less, it may be reinstated. 2576
The board shall reinstate a license suspended for failure to 2577
renew upon an applicant's submission of a renewal application, 2578
the biennial renewal fee, and any applicable monetary penalty. 2579

If a license has been suspended pursuant to division (E) 2580
of this section for more than two years, it may be restored. In 2581
accordance with section 4730.28 of the Revised Code, the board 2582
may restore a license suspended for failure to renew upon an 2583
applicant's submission of a restoration application, the 2584
biennial renewal fee, and any applicable monetary penalty and 2585
compliance with sections 4776.01 to 4776.04 of the Revised Code. 2586
The board shall not restore to an applicant a license to 2587
practice as a physician assistant unless the board, in its 2588
discretion, decides that the results of the criminal records 2589
check do not make the applicant ineligible for a license issued 2590
pursuant to section 4730.12 of the Revised Code. 2591

The penalty for reinstatement shall be fifty dollars and 2592
the penalty for restoration shall be one hundred dollars. The 2593
board shall deposit penalties in accordance with section 4731.24 2594
of the Revised Code. 2595

(G) (1) If, through a random sample conducted under 2596
division (D) of this section or through any other means, the 2597
board finds that an individual who certified completion of the 2598
continuing medical education required to renew, reinstate, 2599
restore, or reactivate a license to practice did not complete 2600
the requisite continuing medical education, the board may do 2601
either of the following: 2602

(a) Take disciplinary action against the individual under 2603
section 4730.25 of the Revised Code, impose a civil penalty, or 2604
both; 2605

(b) Permit the individual to agree in writing to complete 2606
the continuing medical education and pay a civil penalty. 2607

(2) The board's finding in any disciplinary action taken 2608
under division (G) (1) (a) of this section shall be made pursuant 2609
to an adjudication under Chapter 119. of the Revised Code and by 2610
an affirmative vote of not fewer than six of its members. 2611

(3) A civil penalty imposed under division (G) (1) (a) of 2612
this section or paid under division (G) (1) (b) of this section 2613
shall be in an amount specified by the board of not more than 2614
five thousand dollars. The board shall deposit civil penalties 2615
in accordance with section 4731.24 of the Revised Code. 2616

Sec. 4731.09. (A) An applicant for a license to practice 2617
medicine and surgery or osteopathic medicine and surgery must 2618
meet all of the following requirements: 2619

(1) Be at least eighteen years of age; 2620

(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;	2621 2622 2623
(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;	2624 2625 2626
(4) Meet one of the following medical education and graduate medical education requirements:	2627 2628
(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board;	2629 2630 2631 2632 2633 2634 2635 2636
(b) Hold certification from the educational commission for foreign medical graduates and have successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board;	2637 2638 2639 2640 2641
(c) Be a qualified graduate of a fifth pathway training program as recognized by the board under section 4731.091 of the Revised Code and have successfully completed, subsequent to completing fifth pathway training, not less than twelve months of graduate medical education or its equivalent as determined by the board.	2642 2643 2644 2645 2646 2647
(5) Have successfully passed an examination prescribed in rules adopted by the board to determine competency to practice	2648 2649

medicine and surgery or osteopathic medicine and surgery;	2650
(6) Comply with section 4731.08 of the Revised Code;	2651
(7) Meet the requirements of section 4731.142 of the Revised Code if eligibility for the license applied for is based in part on certification from the educational commission for foreign medical graduates and the undergraduate education requirements established by this section were fulfilled at an institution outside of the United States.	2652 2653 2654 2655 2656 2657
(B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following:	2658 2659 2660 2661
(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;	2662 2663 2664
(2) An attestation that the information submitted under this section is accurate and truthful;	2665 2666
(3) Consent to the release of the applicant's information;	2667
(4) Any other information the board requires.	2668
(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three <u>two</u> hundred five <u>one</u> dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.	2669 2670 2671 2672 2673
(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.	2674 2675 2676 2677

(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination. 2678
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Sec. 4731.281. (A) (1) A license issued under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall be valid for a two-year period unless revoked or suspended. A license shall expire on the date that is two years from the date of issuance and may be renewed for additional two-year periods. Applications for renewal shall be submitted to the state medical board in a manner prescribed by the board. 2689
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Each application shall be accompanied by a biennial renewal fee of threetwo hundred five dollars. 2697
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The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code. 2699
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(2) The board shall provide a renewal notice to every person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice. The board may provide the notice to 2704
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the person through the secretary of any recognized medical, 2708
osteopathic, or podiatric society. The notice shall be provided 2709
to the person at least one month prior to the date on which the 2710
person's license expires. 2711

(3) Failure of any person to receive a notice of renewal 2712
from the board shall not excuse the person from the requirements 2713
contained in this section. 2714

(4) The board's notice shall inform the applicant of the 2715
renewal procedure. The board shall provide the application for 2716
renewal in a form determined by the board. 2717

(5) The applicant shall provide in the application the 2718
applicant's full name; the applicant's residence address, 2719
business address, and electronic mail address; the number of the 2720
applicant's license to practice; and any other information 2721
required by the board. 2722

(6) (a) Except as provided in division (A) (6) (b) of this 2723
section, in the case of an applicant who prescribes or 2724
personally furnishes opioid analgesics or benzodiazepines, as 2725
defined in section 3719.01 of the Revised Code, the applicant 2726
shall certify to the board whether the applicant has been 2727
granted access to the drug database established and maintained 2728
by the state board of pharmacy pursuant to section 4729.75 of 2729
the Revised Code. 2730

(b) The requirement described in division (A) (6) (a) of 2731
this section does not apply if any of the following is the case: 2732

(i) The state board of pharmacy notifies the state medical 2733
board pursuant to section 4729.861 of the Revised Code that the 2734
applicant has been restricted from obtaining further information 2735
from the drug database. 2736

(ii) The state board of pharmacy no longer maintains the drug database.	2737 2738
(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.	2739 2740 2741
(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.	2742 2743 2744 2745 2746
(7) The applicant shall indicate whether the applicant currently collaborates, as that term is defined in section 4723.01 of the Revised Code, with any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners.	2747 2748 2749 2750 2751
(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last submitting an application for a license to practice or renewal of a license.	2752 2753 2754 2755 2756 2757
(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.	2758 2759
(B) The board shall renew a license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period.	2760 2761 2762 2763 2764
(C) Failure of any license holder to renew and comply with	2765

this section shall operate automatically to suspend the holder's
license to practice and if applicable, the holder's certificate
to recommend issued under section 4731.30 of the Revised Code.
Continued practice after the suspension shall be considered as
practicing in violation of section 4731.41, 4731.43, or 4731.60
of the Revised Code.

If the license has been suspended pursuant to this
division for two years or less, it may be reinstated. The board
shall reinstate a license to practice suspended for failure to
renew upon an applicant's submission of a renewal application
and payment of a reinstatement fee of four hundred five dollars.

If the license has been suspended pursuant to this
division for more than two years, it may be restored. Subject to
section 4731.222 of the Revised Code, the board may restore a
license to practice suspended for failure to renew upon an
applicant's submission of a restoration application, payment of
a restoration fee of five hundred five dollars, and compliance
with sections 4776.01 to 4776.04 of the Revised Code. The board
shall not restore to an applicant a license unless the board, in
its discretion, decides that the results of the criminal records
check do not make the applicant ineligible for a license issued
pursuant to section 4731.14 or 4731.56 of the Revised Code.

Any reinstatement or restoration of a license to practice
under this section shall operate automatically to renew the
holder's certificate to recommend.

(D) The state medical board may obtain information not
protected by statutory or common law privilege from courts and
other sources concerning malpractice claims against any person
holding a license to practice under this chapter or practicing
as provided in section 4731.36 of the Revised Code.

(E) Each renewal notice provided by the board under division (A) (2) of this section to a person holding a license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page. 2796
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(F) Each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs. 2804
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Sec. 4731.294. (A) The state medical board may issue, without examination, a special activity certificate to any nonresident person-individual seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state. 2810
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(B) An applicant for a special activity certificate shall submit evidence satisfactory to the board of all of the following: 2816
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(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and ~~that~~, within the two-year period immediately preceding application, the applicant has done one of the following: 2819
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(a) Actively practiced medicine and surgery or osteopathic 2824

medicine and surgery in the United States;	2825
(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;	2826 2827 2828 2829
(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic medicine and surgery in the United States.	2830 2831 2832 2833 2834 2835 2836
(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09 and 4731.14 of the Revised Code.	2837 2838 2839
(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest.	2840 2841 2842
(C) The applicant shall pay a fee of <u>one hundred twenty-five</u> <u>seventy-five</u> dollars, but only if the applicant expects to be compensated for practicing medicine and surgery or osteopathic medicine and surgery in conjunction with the special activity, event, or program for which a certificate may be issued.	2843 2844 2845 2846 2847 2848
(D) The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event, or program for which the certificate is issued. The board may revoke a certificate on receiving proof satisfactory to the	2849 2850 2851 2852 2853

board that the holder of the certificate has engaged in practice 2854
in this state outside the scope of the certificate or that there 2855
are grounds for action against the certificate holder under 2856
section 4731.22 of the Revised Code. 2857

(E) AEach special activity certificate is valid for the 2858
shorter of thirty days or the duration of the special activity, 2859
program, or event for which it was issued. TheA special 2860
activity certificate may not be renewed. 2861

(F) The board shall not require a personan individual 2862
holding a special activity certificate issued under this section 2863
to obtain a certificate under Chapter 4796. of the Revised Code. 2864

(G) The state medical board shall adopt rules in 2865
accordance with Chapter 119. of the Revised Code that specify 2866
how often an applicant may be granted a certificate under this 2867
sectionAn individual may apply for a special activity 2868
certificate under this section not more twelve times within a 2869
consecutive two-year period. 2870

Sec. 4731.297. (A) As used in this section: 2871

(1) "Academic medical center" means a medical school and 2872
its affiliated teaching hospitals and clinics partnering to do 2873
all of the following: 2874

(a) Provide the highest quality of patient care from 2875
expert physicians; 2876

(b) Conduct groundbreaking research leading to medical 2877
advancements for current and future patients; 2878

(c) Provide medical education and graduate medical 2879
education to educate and train physicians. 2880

(2) "Affiliated physician group practice" means a medical 2881

practice that consists of one or more physicians authorized 2882
under this chapter to practice medicine and surgery or 2883
osteopathic medicine and surgery and that is affiliated with an 2884
academic medical center to further the objectives described in 2885
divisions (A) (1) (a) to (c) of this section. 2886

(B) The state medical board shall issue, without 2887
examination, to an applicant who meets the requirements of this 2888
section a certificate of conceded eminence authorizing the 2889
practice of medicine and surgery or osteopathic medicine and 2890
surgery as part of the applicant's employment with an academic 2891
medical center in this state or affiliated physician group 2892
practice in this state. 2893

(C) To be eligible for a certificate of conceded eminence, 2894
an applicant shall provide to the board all of the following: 2895

(1) Evidence satisfactory to the board of all of the 2896
following: 2897

(a) That the applicant is an international medical 2898
graduate who holds a medical degree from an educational 2899
institution listed in the international medical education 2900
directory; 2901

(b) That the applicant has been appointed to serve in this 2902
state as a full-time faculty member of a medical school 2903
accredited by the liaison committee on medical education or an 2904
osteopathic medical school accredited by the American 2905
osteopathic association; 2906

(c) That the applicant has accepted an offer of employment 2907
with an academic medical center in this state or affiliated 2908
physician group practice in this state; 2909

(d) That the applicant holds a license in good standing in 2910

another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery;	2911 2912
(e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following:	2913 2914 2915 2916
(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.	2917 2918 2919 2920
(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.	2921 2922 2923
(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project.	2924 2925 2926 2927
(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.	2928 2929
(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	2930 2931 2932
(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.	2933 2934 2935 2936
(vii) The applicant has held previous academic appointments with or been employed by a health care organization	2937 2938

that has a distinguished national or international reputation.	2939
(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.	2940
(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;	2942
(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;	2949
(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.	2952
(2) An attestation that the applicant agrees to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;	2955
(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;	2958
(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C) (1) of this section and that the letters of reference submitted under division (C) (3) of this section are	2963
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from distinguished experts in the applicant's specialty, and 2968
documentation to support the affidavit; 2969

(5) A fee of ~~one thousand three hundred~~ dollars for the 2970
certificate. 2971

(D) (1) The holder of a certificate of conceded eminence 2972
may practice medicine and surgery or osteopathic medicine and 2973
surgery only within the clinical setting of the academic medical 2974
center with which the certificate holder is employed or for the 2975
affiliated physician group practice with which the certificate 2976
holder is employed. 2977

(2) A certificate holder may supervise medical students, 2978
physicians participating in graduate medical education, advanced 2979
practice registered nurses, and physician assistants when 2980
performing clinical services in the certificate holder's area of 2981
specialty. 2982

(E) The board may revoke a certificate issued under this 2983
section on receiving proof satisfactory to the board that the 2984
certificate holder has engaged in practice in this state outside 2985
the scope of the certificate or that there are grounds for 2986
action against the certificate holder under section 4731.22 of 2987
the Revised Code. 2988

(F) A certificate of conceded eminence is valid for the 2989
shorter of two years or the duration of the certificate holder's 2990
employment with the academic medical center or affiliated 2991
physician group practice. The certificate ceases to be valid if 2992
the holder resigns or is otherwise terminated from the academic 2993
medical center or affiliated physician group practice. 2994

(G) A certificate of conceded eminence may be renewed for 2995
an additional two-year period. There is no limit on the number 2996

of times a certificate may be renewed. A person seeking renewal 2997
of a certificate shall apply to the board and is eligible for 2998
renewal if the applicant does all of the following: 2999

(1) Pays the renewal fee of ~~one thousand three hundred~~ 3000
dollars; 3001

(2) Provides to the board an affidavit and supporting 3002
documentation from the academic medical center or affiliated 3003
physician group practice of all of the following: 3004

(a) That the applicant's initial appointment to the 3005
medical faculty is still valid or has been renewed; 3006

(b) That the applicant's clinical practice is consistent 3007
with the established standards in the field; 3008

(c) That the applicant has demonstrated continued 3009
scholarly achievement; 3010

(d) That the applicant has demonstrated continued 3011
professional achievement consistent with the academic medical 3012
center's requirements, established pursuant to standards adopted 3013
under section 3701.351 of the Revised Code, for physicians with 3014
staff membership or professional privileges with the academic 3015
medical center. 3016

(3) Satisfies the same continuing medical education 3017
requirements set forth in section 4731.282 of the Revised Code 3018
that apply to a person who holds a certificate to practice 3019
medicine and surgery or osteopathic medicine and surgery issued 3020
under this chapter. 3021

(4) Complies with any other requirements established by 3022
the board. 3023

(H) The board shall not require a person to obtain a 3024

certificate under Chapter 4796. of the Revised Code to practice
medicine and surgery or osteopathic medicine and surgery if the
person holds a certificate of conceded eminence issued under
this section. 3025
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(I) The board may adopt any rules it considers necessary
to implement this section. The rules shall be adopted in
accordance with Chapter 119. of the Revised Code. 3029
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Sec. 4731.52. (A) Except as provided in division (E) of
this section, a person seeking a license to practice podiatric
medicine and surgery shall file with the state medical board an
application in the form and manner prescribed by the board. The
application must include all of the following: 3032
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(1) Evidence satisfactory to the board to demonstrate that
the applicant meets all of the following requirements: 3037
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(a) Is at least eighteen years of age; 3039

(b) Possesses a high school diploma or a certificate of
high school equivalence or has obtained the equivalent of such
education as determined by the board; 3040
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(c) Has completed at least two years of undergraduate work
in a college of arts and sciences or the equivalent of such
education as determined by the board; 3043
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(d) Holds a degree from a college of podiatric medicine
and surgery that was in good standing with the board at the time
the degree was granted, as determined by the board; 3046
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(e) Has completed one year of postgraduate training in a
podiatric internship, residency, or clinical fellowship program
accredited by the council on podiatric medicine or the American
podiatric medical association or its equivalent as determined by
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the board;	3053
(f) Has successfully passed an examination prescribed in rules adopted by the board to determine competency to practice podiatric medicine and surgery;	3054 3055 3056
(g) Has complied with section 4731.531 of the Revised Code.	3057 3058
(2) An attestation that the information submitted under this section is accurate and truthful;	3059 3060
(3) Consent to the release of the applicant's information;	3061
(4) Any other information the board requires.	3062
(B) Except as provided in division (E) of this section, an applicant for a license to practice podiatric medicine and surgery shall include with the application a fee of three <u>two</u> hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.	3063 3064 3065 3066 3067 3068
(C) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.	3069 3070 3071 3072
(D) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines	3073 3074 3075 3076 3077 3078 3079 3080

that the applicant is not in violation of this chapter or the
rules adopted under it, the board shall issue a license not
later than forty-five days after making that determination.

(E) The board shall issue a license to practice podiatric
medicine and surgery in accordance with Chapter 4796. of the
Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as a podiatrist in a state that does
not issue that license.

Sec. 4759.08. (A) The state medical board shall charge and
collect fees as described in this section for issuing the
following:

(1) An application for an initial dietitian license, or
renewal of the license, two hundred twenty-five ninety-five
dollars;

(2) ~~License renewal, one hundred eighty dollars;~~

~~(3) A~~ An application for a limited permit, or renewal of
the permit, sixty-five fifty dollars;

~~(4)~~ (3) A duplicate license or permit, thirty-five dollars;

~~(5)~~ (4) In the case of a person holding a license issued
under this chapter, a license verification fee of fifty dollars.

(B) All receipts of the board shall be deposited in the
state treasury to the credit of the state medical board
operating fund in accordance with section 4731.24 of the Revised
Code.

Sec. 4764.05. (A) The Ohio home inspector board shall 3108
adopt rules in accordance with Chapter 119. of the Revised Code 3109
to do all of the following: 3110

(1) Establish standards to govern the issuance, renewal, 3111
suspension, and revocation of licenses, other sanctions that may 3112
be imposed for violations of this chapter, the conduct of 3113
hearings related to these actions, and the process of 3114
reactivating a license; 3115

(2) Establish the amount of the following fees: 3116

(a) Establish the following fees in an amount that is 3117
sufficient to defray necessary expenses incurred in the 3118
administration of this chapter: 3119

(i) The fee for applying for and receiving a license 3120
issued under section 4764.07 of the Revised Code and the special 3121
assessment for the home inspection recovery fund created in 3122
section 4764.21 of the Revised Code, which together shall not 3123
exceed two hundred-fifty dollars; 3124

(ii) The fee for renewal of a license under section 3125
4764.09 of the Revised Code and the special assessment for the 3126
home inspection recovery fund created in section 4764.21 of the 3127
Revised Code, which together shall not exceed two hundred-fifty 3128
dollars. 3129

(b) The renewal late fee described in division (B) (2) of 3130
section 4764.09 of the Revised Code; 3131

(c) The fee an institution or organization described in 3132
division (A) (7) of this section shall pay to receive approval to 3133
offer continuing education courses and programs; 3134

(d) The fee an institution or organization that is 3135

approved to offer continuing education courses and programs	3136
shall pay for each course or program that the institution or	3137
organization wishes to have the superintendent approve pursuant	3138
to the rules adopted by the board under division (A) (8) of this	3139
section;	3140
(e) Any other fees as required by this chapter.	3141
(3) In accordance with division (C) of this section,	3142
specify methods and procedures the board shall use to approve a	3143
curriculum of education a person must successfully complete to	3144
obtain a license under this chapter;	3145
(4) In accordance with division (D) of this section,	3146
specify methods and procedures the board shall use to approve a	3147
curriculum of experience that a person may elect to complete the	3148
proof of experience requirement specified in division (D) (6) of	3149
section 4764.07 of the Revised Code;	3150
(5) Establish the administrative reporting and review	3151
requirements for parallel inspections or equivalency for field	3152
experience to assure that an applicant for a license satisfies	3153
the requirements of division (D) (6) of section 4764.07 of the	3154
Revised Code, as applicable;	3155
(6) Establish a curriculum for continuing education that a	3156
licensed home inspector shall complete to satisfy the	3157
requirements for continuing education specified in section	3158
4764.08 of the Revised Code and procedures to assure continuing	3159
education requirements are updated periodically to make those	3160
requirements consistent with home inspection industry practices;	3161
(7) Establish requirements an institution or organization	3162
shall satisfy to obtain approval to provide courses or programs	3163
that enable a licensed home inspector to satisfy the	3164

requirements for continuing education specified in section 3165
4764.08 of the Revised Code and establish procedures that the 3166
superintendent of real estate and professional licensing shall 3167
use to approve an institution or organization that satisfies the 3168
requirements the board establishes; 3169

(8) Establish procedures and standards that the 3170
superintendent shall use to approve courses and programs, 3171
including online courses and programs, offered by an institution 3172
or organization that is approved by the superintendent to offer 3173
continuing education courses or programs pursuant to the rules 3174
adopted by the board under division (A) (7) of this section; 3175

(9) Establish reporting requirements for a licensed home 3176
inspector to follow to demonstrate that the licensed home 3177
inspector successfully completed the continuing education 3178
requirements specified in section 4764.08 of the Revised Code; 3179

(10) Establish requirements for conducting home 3180
inspections, standards of practice for home inspectors, and 3181
conflict of interest prohibitions to the extent that those 3182
provisions do not conflict with divisions (A) (2) to (5) of 3183
section 4764.14 of the Revised Code; 3184

(11) Specify requirements for settlement agreements 3185
entered into between the superintendent and a licensed home 3186
inspector under division (C) of section 4764.13 of the Revised 3187
Code; 3188

(12) Establish procedures for providing licensees with 3189
notice and applications for renewal under section 4764.09 of the 3190
Revised Code; 3191

(13) Establish a set of standards of practice and canons 3192
of ethics for the home inspection industry; 3193

(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;	3194 3195 3196 3197 3198
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions.	3199 3200 3201
(B) The board shall do all of the following:	3202
(1) On appeal by any party affected, or on its own motion, review any order or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	3203 3204 3205 3206
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of the Revised Code;	3207 3208 3209
(3) Disseminate to licensees and the public information relative to board activities and decisions;	3210 3211
(4) Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	3212 3213 3214 3215
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	3216 3217 3218 3219
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional	3220 3221

organization that has been approved by the board to offer a 3222
curriculum. 3223

(2) The curriculum includes a requirement that a person, 3224
to successfully complete the curriculum, complete at least 3225
eighty hours of classroom or online prelicensing instruction, 3226
including instruction about compliance with the requirements 3227
specified in this chapter, inspection safety, report writing, 3228
and any other administrative matters required by the board. 3229

(3) The curriculum satisfies any other requirements the 3230
board established in rules it adopts. 3231

(D) The board shall determine the equivalency of field 3232
experience that a person may elect to complete to satisfy the 3233
proof of experience requirement specified in division (D) (6) of 3234
section 4764.07 of the Revised Code. The board shall approve 3235
only a curriculum of experience that includes a requirement that 3236
a person, to successfully complete the curriculum, must perform 3237
at least forty hours of work in the home inspection field that 3238
allows the person to obtain practical experience or training 3239
regarding home inspections. The board shall approve only a 3240
curriculum of experience that includes a requirement that a 3241
person, to successfully complete the curriculum, must complete a 3242
peer review session with a licensed home inspector approved by 3243
the board before applying for a license. The peer review session 3244
may be used as part of the required eighty hours of prelicensing 3245
education. 3246

Sec. 4764.08. During each three-year period that a license 3247
is valid, a licensed home inspector shall successfully complete 3248
not less than fourteen~~forty~~-two hours of continuing education 3249
instruction annually~~during the three-year licensing period~~ in 3250
courses or programs directly applicable to the standards of 3251

practice and requirements specified in rules adopted by the Ohio 3252
home inspector board pursuant to division (A)(10) of section 3253
4764.05 of the Revised Code. 3254

The superintendent of real estate and professional 3255
licensing shall accept only those courses and programs the 3256
superintendent approves in accordance with division (A)(8) of 3257
section 4764.06 of the Revised Code prior to the date the 3258
licensed home inspector completes the course or program. The 3259
superintendent shall not include parallel inspections completed 3260
by a person for credit toward satisfying the continuing 3261
education requirements specified in this section. 3262

Sec. 4771.05. The Ohio athletic commission, established 3263
under section 3773.33 of the Revised Code, shall do all of the 3264
following: 3265

(A) Review the application form of an applicant for 3266
registration as an athlete agent; 3267

(B) Issue and renew biennial certificates of registration 3268
for an athlete agent pursuant to this chapter; 3269

(C) Maintain records of every athlete agent registered in 3270
this state, including the agent's business and residential 3271
address, and the date and number of the agent's registration; 3272

(D) Establish an application form to be completed by an 3273
individual seeking registration as an athlete agent; 3274

(E) ~~Establish a fee for the registration, and renewal of~~ 3275
~~the registration, of an individual as an athlete agent in an~~ 3276
~~amount necessary to generate sufficient funds to cover the cost~~ 3277
~~of administering and enforcing this chapter;~~ 3278

(F) Adopt rules in accordance with Chapter 119. of the 3279

Revised Code to carry out the purposes of this chapter. 3280

Sec. 4771.07. (A) Each individual who desires to serve as 3281
an athlete agent within this state shall first file an 3282
application for registration with the Ohio athletic commission. 3283
The applicant shall apply using a form prescribed by the 3284
commission and shall provide all the following information: 3285

(1) The name and residential address of the applicant; 3286

(2) The address of the primary location in which the 3287
applicant wishes to conduct business as an athlete agent; 3288

(3) The type of business conducted or the occupation held 3289
by the applicant during the five years immediately preceding 3290
application; 3291

(4) The location and evidence of a trust fund established 3292
in accordance with division (B) of section 4771.12 of the 3293
Revised Code and rules adopted by the commission; 3294

(5) The name and address of all persons who have a 3295
financial interest in the business operation of the applicant, 3296
or who are compensated for the solicitation or recruitment of 3297
athletes on behalf of the applicant, except for salaried 3298
employees who receive no commission or bonus pursuant to any 3299
agent or professional sports services contract; 3300

(6) Any other information deemed necessary by the 3301
commission. 3302

(B) The applicant shall submit with the application for 3303
registration an affidavit or certificate of completion 3304
describing all formal training or practical experience completed 3305
by the applicant in any of the following areas: 3306

(1) Contracts; 3307

(2) Contract negotiations;	3308
(3) Complaint resolution;	3309
(4) Arbitration;	3310
(5) Dispute resolution.	3311
An attorney admitted to practice law in this state shall submit with the application a certificate of good standing issued by the supreme court of Ohio in lieu of an affidavit or certificate otherwise required under this division.	3312 3313 3314 3315
(C) An applicant shall submit with the application for registration an application fee in an amount determined by the commission pursuant to division (F) of section 4771.05 of the Revised Code of four hundred dollars and proof of one of the securities required under section 477.11 4771.11 of the Revised Code.	3316 3317 3318 3319 3320 3321
(D) An athlete agent shall notify the commission of any change in business location or address during the period of application for registration or during the period of time the registration of the athlete agent is valid.	3322 3323 3324 3325
Sec. 4771.08. (A) Upon receipt of all the materials required for application for registration under section 4771.07 of the Revised Code, the Ohio athletic commission shall evaluate the information provided and issue a certificate of registration to the applicant, unless the commission finds that the applicant or an employee or representative of the applicant has committed any of the acts described in division (A) of section 4771.18 of the Revised Code.	3326 3327 3328 3329 3330 3331 3332 3333
Notwithstanding the requirements for a certificate of registration under this chapter, the commission shall issue a	3334 3335

certificate of registration in accordance with Chapter 4796. of 3336
the Revised Code to an applicant if either of the following 3337
applies: 3338

(1) The applicant is registered in another state. 3339

(2) The applicant has satisfactory work experience, a 3340
government certification, or a private certification as 3341
described in that chapter as an athlete agent in a state that 3342
does not issue that certificate of registration. 3343

(B) The commission may issue a temporary certificate of 3344
registration, effective for a period of up to ninety days after 3345
the issuance of the temporary registration, to a nonresident 3346
athlete agent who is registered as an athlete agent in another 3347
state, or to a person who has not submitted all the material 3348
required under section 4771.07 of the Revised Code, but who the 3349
commission determines to have submitted sufficient material to 3350
warrant the issuance of a temporary certificate. Chapter 4796. 3351
of the Revised Code does not apply to a temporary certificate of 3352
registration issued under this division. 3353

(C) The registration of an athlete agent with the 3354
commission is valid for a period of two years after the date the 3355
certificate of registration is issued. An athlete agent shall 3356
file an application for the renewal of a registration with the 3357
commission at least thirty days prior to the expiration of the 3358
registration of the athlete agent. An application for renewal 3359
shall be accompanied by a renewal fee ~~in an amount determined by~~ 3360
~~the commission pursuant to division (F) of section 4771.05 of~~ 3361
~~the Revised Code of~~ four hundred dollars. 3362

(D) Each certificate of registration issued by the 3363
commission to an athlete agent shall contain all the following 3364

information:	3365
(1) The name of the athlete agent;	3366
(2) The address of the primary location in which the athlete agent is authorized to conduct business as an athlete agent;	3367 3368 3369
(3) A registration number for the athlete agent and the date of issuance of the registration.	3370 3371
(E) No registration or certificate of registration is valid for any individual other than the athlete agent to whom it is issued.	3372 3373 3374
(F) The commission is not liable for the acts of an athlete agent who is registered with the commission.	3375 3376
Sec. 4774.03. (A) Except as provided in division (D) of this section, an individual seeking a license to practice as a radiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all the information the board considers necessary to process the application, including evidence satisfactory to the board that the applicant meets the requirements specified in division (B) of this section.	3377 3378 3379 3380 3381 3382 3383 3384
At the time an application is submitted, the applicant shall pay the board the application a fee specified by the board in rules adopted under section 4774.11 of the Revised Code one hundred dollars. No part of the fee shall be returned.	3385 3386 3387 3388
(B) Except as provided in division (D) of this section, to be eligible to receive a license to practice as a radiologist assistant, an applicant shall meet all of the following requirements:	3389 3390 3391 3392

(1) Be at least eighteen years of age;	3393
(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code;	3394
(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship;	3395
(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice;	3396
(5) Hold current certification in advanced cardiac life support.	3401
(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a radiologist assistant.	3402
(D) The board shall issue a license to practice as a radiologist assistant in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	3403
(1) The applicant holds a license in another state.	3404
(2) The applicant has satisfactory work experience, a government certification, or a private certification as	3405

described in that chapter as a radiologist assistant in a state 3421
that does not issue that license. 3422

Sec. 4774.06. (A) An individual seeking to renew a license 3423
to practice as a radiologist assistant shall, on or before the 3424
license's expiration date, apply to the state medical board for 3425
renewal. The board shall provide renewal notices to license 3426
holders at least one month prior to the expiration date. 3427

Renewal applications shall be submitted to the board in a 3428
manner prescribed by the board. Each application shall be 3429
accompanied by a biennial renewal fee ~~specified by the board in~~ 3430
~~rules adopted under section 4774.11 of the Revised Code one~~ 3431
hundred dollars. 3432

The applicant shall report any criminal offense that 3433
constitutes grounds for refusing to issue a license under 3434
section 4774.13 of the Revised Code to which the applicant has 3435
pleaded guilty, of which the applicant has been found guilty, or 3436
for which the applicant has been found eligible for intervention 3437
in lieu of conviction, since last signing an application for a 3438
license to practice as a radiologist assistant. 3439

(B) To be eligible for renewal, a radiologist assistant 3440
shall certify to the board that the assistant has maintained 3441
both of the following: 3442

(1) A license as a radiographer under Chapter 4773. of the 3443
Revised Code; 3444

(2) Certification as a registered radiologist assistant 3445
from the American registry of radiologic technologists by 3446
meeting the registry's requirements for annual registration, 3447
including completion of the continuing education requirements 3448
established by the registry. 3449

(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a radiologist assistant. 3450
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(D) A license that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. 3455
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If a license has been suspended pursuant to this division for two years or less, the board shall reinstate the license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. 3461
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If a license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4774.061 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4774.04 of the Revised Code. The penalty for restoration is fifty dollars. 3466
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Sec. 4774.11. (A) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter. In adopting the rules, 3477
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the board shall take into consideration the guidelines adopted 3480
by the American college of radiology, the American society of 3481
radiologic technologists, and the American registry of 3482
radiologic technologists. 3483

(B) The rules adopted under this section shall include all 3484
of the following: 3485

(1) Standards and procedures for issuing and renewing 3486
licenses to practice as a radiologist assistant; 3487

(2) ~~Application fees for an initial or renewed license;~~ 3488

~~(3) Any additional radiologic procedures that radiologist 3489
assistants may perform pursuant to division (A) (5) of section 3490
4774.08 of the Revised Code and the level of supervision that 3491
the supervising radiologist is required to provide pursuant to 3492
section 4774.10 of the Revised Code;~~ 3493

~~(4) (3) Definitions of "general anesthesia," "deep 3494
sedation," "moderate sedation, " and "minimal sedation"; 3495~~

~~(5) (4) Any other standards and procedures the board 3496
considers necessary to govern the practice of radiologist 3497
assistants, the supervisory relationship between radiologist 3498
assistants and supervising radiologists, and the administration 3499
and enforcement of this chapter.~~ 3500

Section 2. That existing sections 101.63, 103.27, 1531.40, 3501
1533.631, 1533.72, 1533.721, 1561.13, 1561.17, 1565.04, 3502
3319.2213, 3319.51, 3701.83, 3704.14, 3723.02, 3723.03, 3723.04, 3503
3723.05, 3723.06, 3723.07, 3723.08, 3723.09, 3723.10, 3723.11, 3504
3723.13, 3723.15, 3723.16, 3723.17, 3723.99, 3742.03, 3742.05, 3505
3748.01, 3748.04, 3748.05, 3748.11, 3748.13, 3748.16, 3773.31, 3506
3773.35, 3773.36, 3773.43, 3773.45, 3773.54, 3776.05, 4730.10, 3507
4730.14, 4731.09, 4731.281, 4731.294, 4731.297, 4731.52, 3508

4759.08, 4764.05, 4764.08, 4771.05, 4771.07, 4771.08, 4774.03, 3509
4774.06, and 4774.11 of the Revised Code are hereby repealed. 3510

Section 3. That sections 3723.081, 3748.12, and 3748.121 3511
of the Revised Code are hereby repealed. 3512

Section 4. (A) For the purposes of this section, 3513
"occupational licensing board" has the same meaning as in 3514
section 101.62 of the Revised Code. 3515

(B) Pursuant to division (E) of section 101.62 of the 3516
Revised Code, the following occupational licensing boards are 3517
hereby renewed and, subject to the revisions prescribed by this 3518
act, the statutes creating, empowering, governing, and 3519
regulating those boards are continued: 3520

(1) The Ohio Athletic Commission created under section 3521
3773.33 of the Revised Code; 3522

(2) The Ohio Construction Industry Licensing Board within 3523
the Department of Commerce created under section 4740.02 of the 3524
Revised Code; 3525

(3) The Historical Boilers Licensing Board within the 3526
Department of Commerce created under section 4104.33 of the 3527
Revised Code; 3528

(4) The Ohio Home Inspector Licensing Board within the 3529
Department of Commerce created under section 4764.04 of the 3530
Revised Code; 3531

(5) The Division of Securities within the Department of 3532
Commerce described in Chapter 1707. of the Revised Code; 3533

(6) The State Board of Education created under section 3534
3301.01 of the Revised Code; 3535

(7) The Ohio Environmental Protection Agency created under section 121.02 of the Revised Code;	3536 3537
(8) The Ohio Department of Health described in Chapter 3701. of the Revised Code;	3538 3539
(9) The State Medical Board created under section 4731.01 of the Revised Code;	3540 3541
(10) The Ohio Department of Natural Resources described in Chapter 1501. of the Revised Code.	3542 3543
(C) The occupational licensing boards listed in this section shall be triggered to expire under division (B) of section 101.62 of the Revised Code at the end of the thirty-first day of December of the sixth year following enactment of this section.	3544 3545 3546 3547 3548
Section 5. (A) Notwithstanding the amendment or repeal of sections 3723.02, 3723.03, 3723.04, 3723.05, 3723.06, 3723.07, 3723.08, 3723.081, 3723.09, 3723.10, 3723.11, 3723.13, 3723.15, 3723.16, 3723.17, and 3723.99 of the Revised Code by this act, which no longer provide for radon tester licenses and radon mitigation contractor licenses, a valid radon tester license or radon mitigation contractor license held by an individual, business entity, or government entity on or after the effective date of this section is valid for the duration of that license term.	3549 3550 3551 3552 3553 3554 3555 3556 3557 3558
(B) An individual who holds a valid radon tester license issued under former section 3723.06 of the Revised Code as of the effective date of this section may maintain and renew the individual's radon tester license in accordance with rules adopted by the director of health under former section 3723.09 of the Revised Code until December 31, 2026.	3559 3560 3561 3562 3563 3564

A business entity or government entity that holds a valid 3565
radon mitigation contractor license issued under former section 3566
3723.06 of the Revised Code as of the effective date of this 3567
section may maintain and renew the business entity's or 3568
government entity's radon mitigation contractor license in 3569
accordance with rules adopted by the director of health under 3570
former section 3723.09 of the Revised Code until December 31, 3571
2026. 3572

(C) The director may issue initial radon tester licenses 3573
and radon mitigation contractor licenses until December 31, 3574
2026. 3575