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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, 1561.11, 1561.13, 1561.15, 2  
1561.23, 1561.26, 1563.24, 1565.04, 1565.05, 3  
1565.06, 3319.2213, 3319.51, 3701.83, 3704.14, 4  
3748.01, 3748.04, 3748.05, 3748.11, 3748.13, 5  
3748.16, 3773.31, 3773.33, 3773.34, 3773.35, 6  
3773.36, 3773.37, 3773.38, 3773.39, 3773.40, 7  
3773.41, 3773.42, 3773.421, 3773.43, 3773.45, 8  
3773.51, 3773.52, 3773.53, 3773.54, 3773.55, 9  
3773.56, 3773.57, 3773.59, 3776.05, 4730.10, 10  
4730.14, 4731.294, 4759.08, 4764.05, 4764.08, 11  
4771.02, 4771.05, 4771.07, 4771.08, 4771.09, 12  
4771.10, 4771.11, 4771.12, 4771.13, 4771.14, 13  
4771.16, 4771.18, 4771.21, 4771.22, 4771.23, 14  
4774.03, 4774.06, and 4774.11; to enact section 15  
3773.341; and to repeal sections 1561.17, 16  
3748.12, and 3748.121 of the Revised Code to 17  
revise and streamline the state's occupational 18  
regulations. 19

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



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**Section 1.** That sections 101.63, 103.27, 1531.40, 20  
1533.631, 1533.72, 1561.11, 1561.13, 1561.15, 1561.23, 1561.26, 21  
1563.24, 1565.04, 1565.05, 1565.06, 3319.2213, 3319.51, 3701.83, 22  
3704.14, 3748.01, 3748.04, 3748.05, 3748.11, 3748.13, 3748.16, 23  
3773.31, 3773.33, 3773.34, 3773.35, 3773.36, 3773.37, 3773.38, 24  
3773.39, 3773.40, 3773.41, 3773.42, 3773.421, 3773.43, 3773.45, 25  
3773.51, 3773.52, 3773.53, 3773.54, 3773.55, 3773.56, 3773.57, 26  
3773.59, 3776.05, 4730.10, 4730.14, 4731.294, 4759.08, 4764.05, 27  
4764.08, 4771.02, 4771.05, 4771.07, 4771.08, 4771.09, 4771.10, 28  
4771.11, 4771.12, 4771.13, 4771.14, 4771.16, 4771.18, 4771.21, 29  
4771.22, 4771.23, 4774.03, 4774.06, and 4774.11 be amended and 30  
section 3773.341 of the Revised Code be enacted to read as 31  
follows: 32

**Sec. 101.63.** (A) (1) Not later than the first day of March 33  
in the odd-numbered year during which an occupational licensing 34  
board is scheduled to be triggered to expire the following even- 35  
numbered year under section 101.62 of the Revised Code, the 36  
speaker of the house of representatives shall direct a standing 37  
committee of the house of representatives to hold hearings to 38  
receive the testimony of the public and of the chief executive 39  
officer of the board, and otherwise to review, consider, and 40  
evaluate the usefulness, performance, and effectiveness of the 41  
board. Not later than the fifteenth day of November of that same 42  
odd-numbered year, the standing committee shall prepare and 43  
publish a report of its findings and recommendations in 44  
accordance with section 101.65 of the Revised Code. If the 45  
standing committee's report includes a bill, the house of 46  
representatives shall consider that bill for passage by the 47  
thirty-first day of December of that same odd-numbered year. 48

(2) Not later than the first day of March in the even- 49  
numbered year during which an occupational licensing board is 50

scheduled to be triggered to expire under section 101.62 of the  
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Revised Code, the president of the senate shall direct a  
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standing committee of the senate to hold hearings to receive  
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testimony of the public and of the chief executive officer of  
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the board, and otherwise to review, consider, and evaluate the  
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usefulness, performance, and effectiveness of the board and any  
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bill considered by the house of representatives related to the  
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expiration of that board. Not later than the fifteenth day of  
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November of that same even-numbered year, the standing committee  
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shall prepare and publish a report of its findings and  
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recommendations in accordance with section 101.65 of the Revised  
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Code. If the standing committee's report includes a bill, the  
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senate shall consider that bill for passage by the thirty-first  
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day of December of that same even-numbered year.  
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(3) The president of the senate and the speaker of the  
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house of representatives may, in the same manner as described in  
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divisions (A)(1) and (2) of this section, direct a standing  
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committee to review an occupational licensing board for which  
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the director of the legislative service commission, under  
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section 103.27 of the Revised Code, has performed a review.  
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(4) The president of the senate and the speaker of the  
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house of representatives shall direct standing committees to  
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review approximately thirty-three per cent of the occupational  
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licensing boards each biennium. All occupational licensing  
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boards shall be reviewed over a six-year period including  
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calendar years 2019 through 2024, and also during each  
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subsequent six-year period.  
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(B) Each occupational licensing board that is scheduled to  
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be reviewed by a standing committee shall submit to the standing  
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committee a report that contains all of the following  
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information:	81
(1) The board's primary purpose and its various goals and objectives;	82 83
(2) The board's past and anticipated workload, the number of staff required to complete that workload, and the board's total number of staff;	84 85 86
(3) The board's past and anticipated budgets and its sources of funding;	87 88
(4) The number of members of its governing board or other governing entity and their compensation, if any, <u>and any experience or other requirements an individual must meet to serve as a member of the governing board or entity.</u>	89 90 91 92
(C) Each board shall have the burden of demonstrating to the standing committee a public need for its continued existence. In determining whether a board has demonstrated that need, the standing committee shall consider, as relevant, all of the following:	93 94 95 96 97
(1) Whether or not continuation of the board is necessary to protect the health, safety, or welfare of the public, and if so, whether or not the board's authority is narrowly tailored to protect against present, recognizable, and significant harms to the health, safety, or welfare of the public;	98 99 100 101 102
(2) Whether or not the public could be protected or served in an alternate or less restrictive manner;	103 104
(3) Whether or not the board serves a specific private interest;	105 106
(4) Whether or not rules adopted by the board are consistent with the legislative mandate of the board as	107 108

expressed in the statutes that created and empowered the board;	109
(5) The extent to which the board's jurisdiction and programs overlap or duplicate those of other boards, the extent to which the board coordinates with those other boards, and the extent to which the board's programs could be consolidated with the programs of other state departments or boards;	110 111 112 113 114
(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;	115 116 117 118 119 120
(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;	121 122 123 124 125 126
(8) Whether the board recognizes national uniform licensure requirements for the occupation;	127 128
(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;	129 130 131 132
(10) Whether or not the operation of the board has inhibited economic growth, reduced efficiency, or increased the cost of government;	133 134 135
(11) An assessment of the authority of the board regarding fees, inspections, enforcement, and penalties;	136 137

(12) The extent to which the board has permitted qualified applicants to serve the public;	138 139
(13) The extent to which the board has permitted individuals to practice elements of the occupation without a license;	140 141 142
(14) The cost-effectiveness of the board in terms of number of employees, services rendered, and administrative costs incurred, both past and present;	143 144 145
(15) Whether or not the board's operation has been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices;	146 147 148
(16) Whether the board has recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and whether its recommendations and other policies have been adopted and implemented;	149 150 151 152 153
(17) Whether the board has required any persons it regulates to report to it the impact of board rules and decisions on the public as they affect service costs and service delivery;	154 155 156 157
(18) Whether persons regulated by the board, if any, have been required to assess problems in their business operations that affect the public;	158 159 160
(19) Whether the board has encouraged public participation in its rule-making and decision-making;	161 162
(20) The efficiency with which formal public complaints filed with the board have been processed to completion;	163 164
(21) Whether the purpose for which the board was created	165

has been fulfilled, has changed, or no longer exists;	166
(22) Whether federal law requires that the board be renewed in some form;	167
(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;	169
(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;	173
(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;	178
(26) The extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services;	186
(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;	189
(28) Beginning with reviews commencing on or after January 1, 2027, whether the number of board members is appropriate	193
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based on the board's workload and the number of occupational	195
licenses issued by the board.	196
For division (C) of this section, a government regulatory	197
requirement protects or serves the public interest if it	198
provides protection from present, significant, and substantiated	199
harms to the health, safety, or welfare of the public.	200
(D) The legislative service commission shall provide staff	201
services to a standing committee performing its duties under	202
this section and section 101.65 of the Revised Code.	203
<u>(E) Notwithstanding any provision of this section to the</u>	204
<u>contrary, a standing committee tasked with the review of</u>	205
<u>occupational licensing boards under this section may accept the</u>	206
<u>report issued by the legislative service commission pursuant to</u>	207
<u>section 103.27 of the Revised Code in the immediately preceding</u>	208
<u>biennium in lieu of either of the following:</u>	209
<u>(1) Receiving testimony from the chief executive officer</u>	210
<u>of the board in accordance with division (A) of this section;</u>	211
<u>(2) Requiring an occupational licensing board that is</u>	212
<u>scheduled to be reviewed by a standing committee to submit to</u>	213
<u>the standing committee a report in accordance with division (B)</u>	214
<u>of this section.</u>	215
<b>Sec. 103.27.</b> (A) As used in this section, "personal	216
qualification" has the same meaning as in section 101.62 of the	217
Revised Code.	218
(B) Each biennium starting with an odd-numbered year,	219
beginning in 2019, the director of the legislative service	220
commission shall issue a report regarding approximately thirty-	221
three per cent of occupations subject to regulation by the state	222
and, beginning with the biennium that starts in 2025, business	223

licenses that require the applicant to satisfy a personal	224
qualification. The report shall compare the current regulatory	225
scheme being utilized in this state with the policies expressed	226
in section 4798.02 of the Revised Code <u>and, beginning with the</u>	227
<u>biennium that starts in 2027, reflect the factors that the</u>	228
<u>standing committees of the general assembly must consider under</u>	229
<u>divisions (B) and (C) of section 101.63 of the Revised Code.</u>	230
(C) The director shall issue all reports performed during	231
a biennium, not later than the first day of December of the	232
even-numbered year of that biennium, to the general assembly and	233
to the attorney general.	234
(D) The director may require that information be submitted	235
by any department or board that regulates the occupation.	236
<u>(E) Beginning with the biennium that starts in 2027, the</u>	237
<u>director shall require that any department or board that</u>	238
<u>regulates the occupation provide the following information to be</u>	239
<u>included in the report:</u>	240
<u>(1) Quantitative data on the following information, if</u>	241
<u>applicable, for the period since the occupation was last</u>	242
<u>reported on by the director:</u>	243
<u>(a) The number of applicants;</u>	244
<u>(b) Application approvals and denials;</u>	245
<u>(c) New approvals;</u>	246
<u>(d) Renewals, including approval of applicants who</u>	247
<u>previously had approval to practice the occupation;</u>	248
<u>(e) Data regarding discipline;</u>	249
<u>(f) Revenue and costs;</u>	250

<u>(g) Changes in revenue and costs since the occupation was</u>	251
<u>last reported on by the director;</u>	252
<u>(h) Changes in caseload since the occupation was last</u>	253
<u>included in the report issued by the director.</u>	254
<u>(2) An impact statement, including studies or data points,</u>	255
<u>on any changes made to the occupation by the general assembly</u>	256
<u>during the period since the occupation was last reported on by</u>	257
<u>the director. The impact statement shall detail the impact of</u>	258
<u>such a change on the board or department, the regulated</u>	259
<u>occupation, and the public.</u>	260
<u>(3) Additional documentation to support any response made</u>	261
<u>to the director for inclusion in the report that is quantitative</u>	262
<u>in nature, including responses related to fee structure and</u>	263
<u>expenses of the department or board.</u>	264
<u>(E)-(F) The director shall, over a six-year period</u>	265
<u>including calendar years 2019 through 2024, issue reports</u>	266
<u>regarding all occupations subject to regulation by the state.</u>	267
<u>Beginning with the biennium that starts in 2025, the director</u>	268
<u>shall continue to issue reports regarding all occupations</u>	269
<u>subject to regulation by the state, including business licenses</u>	270
<u>that require the applicant to satisfy a personal qualification.</u>	271
<u>(F)-(G) A report required under division (B) of this</u>	272
<u>section may be scheduled to coincide with, and be done in</u>	273
<u>conjunction with, the review of an occupational licensing board</u>	274
<u>being done by a standing committee of the general assembly under</u>	275
<u>section 101.63 of the Revised Code.</u>	276
<b>Sec. 1531.40.</b> (A) As used in this section:	277
(1) "Nuisance wild animal" means a wild animal that	278
interferes with the use or enjoyment of property, is causing a	279

threat to public safety, or may cause damage or harm to a  
structure, property, or person. 280  
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(2) "Commercial nuisance wild animal ~~control~~  
~~operator~~~~controller~~" means an individual ~~or business that who~~  
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. 282  
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(B) (1) No ~~person~~individual 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. 287  
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(2) An applicant shall pay a license fee of ~~forty-twenty-~~  
~~five~~ 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~~every three years. 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. 291  
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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. 298  
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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  
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individual's employment is exempt from obtaining a license under 309  
this section. 310

~~(C) (1) (C) Unless otherwise specified by division rule, a~~ 311  
~~commercial nuisance wild animal control operator and any~~ 312  
~~individual who is employed by an operator controller that is~~ 313  
engaged in activities that are part of or related to the removal 314  
or control of nuisance wild animals, including setting or 315  
maintaining traps, shall obtain a certification of completion of 316  
a course of instruction that complies with rules adopted under 317  
division ~~(F) (E)~~ of this section. A certification shall be 318  
renewed every three years. 319

~~(2) Except as provided in division (H) of this section, an~~ 320  
~~individual who provides nuisance wild animal removal or control~~ 321  
~~services under a license issued under this section shall comply~~ 322  
~~with division (C) (1) of this section.~~ 323

~~(D) An operator that holds a license issued under this~~ 324  
~~section is responsible for the acts of each of the operator's~~ 325  
~~employees in the removal or control of a nuisance wild animal.~~ 326

~~(E) If an individual who is licensed under this section~~ 327  
uses a pesticide in the removal or control of a nuisance wild 328  
animal, the individual shall obtain the appropriate license 329  
under Chapter 921. of the Revised Code. 330

~~(F) (E) Except as provided in division (H) (G) of this~~ 331  
section, the chief shall adopt rules under section 1531.10 of 332  
the Revised Code establishing all of the following: 333

~~(1) Appropriate methods for trapping, capturing, removing,~~ 334  
~~relocating, and controlling nuisance wild animals by operators~~ 335  
~~controllers licensed under this section;~~ 336

~~(2) Procedures for issuing, denying, suspending, and~~ 337

revoking a license under this section;	338
(3) Requirements governing the certification course required by division <del>(C)(1)(C)</del> 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 governing those activities. <del>The rules also shall specify who may conduct such a course. The rules shall require that, in order for an operator a controller to receive a certification of completion, the operator controller shall pass an examination. The rules shall require the course to be provided via the internet and shall not require a fee for completion of the course or taking the examination.</del>	339 340 341 342 343 344 345 346 347 348 349 350
(4) Any other requirements and procedures necessary to administer and enforce this section.	351 352
Rules shall be adopted under division <del>(F)(E)</del> of this section only with the approval of the director of natural resources.	353 354 355
<del>(G)(F)</del> In accordance with Chapter 119. of the Revised Code and with rules adopted under this section, the chief may suspend or revoke a license issued under this section if the chief finds that the holder of the license is violating or has violated this chapter, Chapter 1533. of the Revised Code, or rules adopted under those chapters.	356 357 358 359 360 361
<del>(H)(G)</del> The chief shall issue a license to provide nuisance wild animal removal or control services in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	362 363 364 365
(1) The applicant holds a license in another state.	366

(2) The applicant has satisfactory work experience, a  
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government certification, or a private certification as  
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described in that chapter as an individual who provides nuisance  
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wild animal removal or control services in a state that does not  
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issue that license.  
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**Sec. 1533.631.** Any person may apply for a permit to handle  
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commercial fish, or other fish that may be bought or sold under  
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the Revised Code or division rule, at wholesale. Prior to making  
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application for such a permit, a person first shall satisfy the  
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following qualifications to the satisfaction of the chief of the  
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division of wildlife: over eighteen years of age, no prior  
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conviction of or plea of guilty on or after October 10, 2007, to  
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a disqualifying offense as determined in accordance with section  
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9.79 of the Revised Code, and ninety days Ohio residency  
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immediately preceding application. The chief shall issue an  
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annual permit granting the applicant the privilege to handle  
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such fish at wholesale at one or more designated premises upon  
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satisfaction of the pre-application qualifications, filing of an  
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application on a form prescribed by the chief, and payment of a  
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fee of sixty-five-fifty dollars. No person or a person's agent  
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shall handle at wholesale any fresh water fish or part thereof  
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unless a permit has been issued for the calendar year in which  
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the fish is handled at wholesale for the premises at which the  
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fish is handled.  
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A fish is handled at wholesale for purposes of this  
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section when it is on a premises within the state and is being  
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held, stored, handled, or processed for the purpose of sale to a  
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person who resells the fish.  
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The permit required by this section shall be issued  
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subject to the right of entry and inspection of the designated  
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premises of the permittee by any law enforcement officer 397  
authorized by section 1531.13 of the Revised Code to enforce the 398  
laws and rules of the division of wildlife. Such an officer may 399  
enter and inspect the designated premises and any box, package, 400  
or receptacle, and the contents thereof, for the purpose of 401  
determining whether any provision of this chapter or Chapter 402  
1531. of the Revised Code or division rule is being violated. 403

No person holding a permit under this section shall remove 404  
a label required by section 1533.301 of the Revised Code unless 405  
the box, package, or receptacle bearing the label has been 406  
opened or unless the label is replaced with another label that 407  
meets the requirements of that section. 408

No person shall fail to comply with any provision of this 409  
section or division rule adopted pursuant to it. 410

**Sec. 1533.72.** (A) No person shall own or operate a 411  
commercial bird shooting preserve without a license issued by 412  
the chief of the division of wildlife under this section. 413

(B) Application for a commercial bird shooting preserve 414  
license shall be made on a form prescribed by the chief and 415  
shall be accompanied by an annual license fee of two-one hundred 416  
fifty dollars. The application shall contain a list of which 417  
species of game birds are to be released for hunting in the 418  
preserve, a description of the lands that are to constitute the 419  
preserve, a description of the tag and symbol identifying the 420  
preserve required under division (D) of section 1533.73 of the 421  
Revised Code, and any other information required by the chief. 422

(C) The chief, upon payment of the license fee, may issue 423  
to the applicant a commercial bird shooting preserve license if 424  
all of the following conditions are met: 425

(1) The operation of the commercial bird shooting preserve	426
does not conflict with a prior reasonable public interest;	427
(2) The proposed commercial bird shooting preserve meets	428
the requirements established in division (A) of section 1533.73	429
of the Revised Code;	430
(3) The applicant is the owner or lessee of the land	431
described in the application and maintains <del>histhat</del> status as the	432
owner or lessee of the land until the license expires;	433
(4) The applicant produces evidence satisfactory to the	434
chief that <del>hethat</del> the applicant will comply with division (E) of	435
section 1533.73 of the Revised Code.	436
(D) All licenses issued under this section shall expire on	437
the thirtieth day of April of each year. Any license holder	438
wishing to own or operate a commercial bird shooting preserve in	439
the year following the expiration of <del>histhe</del> the license shall apply	440
for a new license under division (B) of this section.	441
(E) In accordance with Chapter 119. of the Revised Code,	442
the chief may suspend or revoke a commercial bird shooting	443
preserve license if <del>hethat</del> the chief finds that the license holder	444
has violated or is violating this chapter <del>or</del> Chapter 1531. of	445
the Revised Code or any division rule.	446
<b>Sec. 1561.11.</b> The chief of the division of mineral	447
resources management, for the purpose of conducting the	448
examinations for mine forepersons and fire bosses, may designate	449
one or more examining boards of three members, selected from	450
among the deputy mine inspectors, superintendent and assistant	451
superintendents of rescue stations, and electrical inspectors.	452
The examinations shall be conducted in the district of the	453
applicant's residence or as near thereto as practicable. Grading	454

and issuance of certificates shall be done by the chief. 455

**Sec. 1561.13.** The chief of the division of mineral resources management shall conduct examinations for offices and positions in the division of mineral resources management, and for mine forepersons, mine electricians, and surface mine blasters, as follows: 456  
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(A) Division of mineral resources management: 461

(1) Deputy mine inspectors of underground mines; 462

(2) Deputy mine inspectors of surface mines; 463

(3) Electrical inspectors; 464

(4) Superintendent of rescue stations; 465

(5) Assistant superintendents of rescue stations; 466

(6) Mine chemists at a division laboratory if the chief chooses to operate a laboratory. 467  
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(B) Mine forepersons: 469

(1) Mine foreperson of gaseous mines; 470

(2) ~~Mine foreperson of nongaseous mines;~~ 471

(3) Mine foreperson of surface mines. 472

(C) Forepersons: 473

(1) Foreperson of gaseous mines; 474

(2) ~~Foreperson of nongaseous mines;~~ 475

(3) Foreperson of surface mines. 476

(D) Mine electricians. 477

(E) Surface mine blasters. 478

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. 479  
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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. 485  
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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. 491  
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**Sec. 1561.15.** (A) Except as provided in division (B) of this section, an applicant for a certificate as mine foreperson, foreperson, mine electrician, ~~shot firer, or~~ surface mine blaster, ~~or fire boss~~ shall apply to the chief of the division of mineral resources management for examination and shall be examined by the chief. This shall be a practical examination, a substantial part of which shall be oral, to determine the competency of the applicant, based on experience and practical knowledge of the dangers incident to coal mining, and not upon technical education, but consideration shall be given such technical education as the applicant possesses. This examination 498  
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shall be held as soon after application is made as practicable 509  
in the district from which the applicant makes application. 510

(B) The chief may require an applicant for a certificate 511  
as mine foreperson, foreperson, mine electrician, ~~shot firer, or~~ 512  
~~surface mine blaster, or fire boss~~ to pass an examination in 513  
accordance with Chapter 4796. of the Revised Code. 514

**Sec. 1561.23.** (A) The chief of the division of mineral 515  
resources management shall issue the following certificates to 516  
those applicants who pass their examination: 517

- (1) Certificates for mine forepersons of gaseous mines; 518
- (2) ~~Certificates for mine forepersons of nongaseous mines;~~ 519
- (3) ~~Certificates for forepersons of gaseous mines;~~ 520
- (4) ~~Certificates for forepersons of nongaseous mines;~~ 521
- (5) ~~(3) Certificates for mine forepersons of surface~~ 522  
mines; 523
- (6) ~~(4) Certificates for forepersons of surface mines;~~ 524
- (7) ~~(5) Certificates for mine electricians;~~ 525
- (8) ~~(6) Certificates for surface mine blasters.~~ 526

(B) Applicants for certificates shall make application to 527  
the chief, on a form provided by the chief, for examination. All 528  
applicants shall be able to read and write the English language 529  
intelligently, and shall furnish the chief with a certificate as 530  
to the length and description of their practical experience and 531  
satisfactory evidence of their ability to perform the duties of 532  
the position for which they make application for examination. 533

(C) The chief may issue a certificate to an applicant for 534  
mine foreperson, foreperson, or mine electrician who holds a 535

valid certification or other authorization from a state with 536  
which the department of natural resources has a reciprocal 537  
agreement for the certification or other authorization. However, 538  
the applicant shall pass an examination on this chapter and 539  
rules adopted under it or on any other relevant material that 540  
the chief determines to be appropriate. 541

A mine foreperson, foreperson, or mine electrician who has 542  
been issued a temporary certificate under section 1565.06 of the 543  
Revised Code prior to September 30, 2021, and who holds a valid 544  
certification or other authorization from a state with which the 545  
department has a reciprocal agreement for the certification or 546  
other authorization may continue to operate under the temporary 547  
certificate until it expires or the chief suspends or revokes 548  
it. 549

(D) Except as provided in sections 1561.16 and 1561.17 of 550  
the Revised Code, any certificate issued by the former mine 551  
examining board prior to October 29, 1995, shall remain in 552  
effect notwithstanding the new classifications of certificates 553  
established by this section. 554

**Sec. 1561.26.** (A) As used in this section: 555

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 556  
meanings as in section 4765.01 of the Revised Code. 557

(2) "Mine medical responder" has the same meaning as in 558  
section 1565.15 of the Revised Code. 559

(B) The superintendent of rescue stations, with the 560  
approval of the chief of the division of mineral resources 561  
management, shall, at each rescue station provided for in 562  
section 1561.25 of the Revised Code, train and employ rescue 563  
crews of six members each, one of whom shall hold a mine 564

foreperson ~~or fire boss~~ certificate and be designated captain, 565  
and train and employ any number of such rescue crews as the 566  
superintendent believes necessary. One member of a rescue crew 567  
shall be certified as an EMT-basic, EMT-I, mine medical 568  
responder, or paramedic. Each member of a rescue crew shall 569  
devote the time specified by the chief each month for training 570  
purposes and shall be available at all times to assist in rescue 571  
work at explosions, mine fires, and other emergencies. 572

A captain of mine rescue crews shall receive for service 573  
as captain the sum of twenty-four dollars per month, and each 574  
member shall receive the sum of twenty dollars per month, all 575  
payable on requisition approved by the chief. When engaged in 576  
rescue work at explosions, mine fires, or other emergencies away 577  
from their station, the members of the rescue crews and captains 578  
of the same shall be paid the sum of six dollars per hour for 579  
work on the surface, which includes the time consumed by those 580  
members in traveling to and from the scene of the emergency when 581  
the scene is away from the station of the members, and the sum 582  
of seven dollars per hour for all work underground at the 583  
emergency, and in addition thereto, the necessary living 584  
expenses of the members when the emergency is away from their 585  
home station, all payable on requisition approved by the chief. 586

Each member of a mine rescue crew shall undergo an annual 587  
medical examination. The chief may designate to perform an 588  
examination any individual authorized by the Revised Code to do 589  
so, including a physician assistant, a clinical nurse 590  
specialist, a certified nurse practitioner, or a certified 591  
nurse-midwife. In designating the individual to perform a 592  
medical examination, the chief shall choose one near the station 593  
of the member of the rescue crews. The examiner shall report the 594  
examination results to the chief and if, in the opinion of the 595

chief, the report indicates that the member is physically unfit 596  
for further services, the chief shall relieve the member from 597  
further duty. The fee charged by the examiner for the 598  
examination shall be paid in the same manner as fees are paid to 599  
doctors employed by the industrial commission for special 600  
medical examinations. 601

The chief may remove any member of a rescue crew for any 602  
reason. Such crews shall be subject to the orders of the chief, 603  
the superintendent, and the deputy mine inspectors when engaged 604  
in actual mine rescue work. Mine rescue crews shall, in case of 605  
death or injury when engaged in rescue work, wherever the same 606  
may occur, be paid compensation, or their dependents shall be 607  
paid death benefits, from the workers' compensation fund, in the 608  
same manner as other employees of the state. 609

(C) In addition to the training of rescue crews, each 610  
assistant superintendent of rescue stations, with the approval 611  
of the superintendent, shall provide for and conduct safety, 612  
first aid, and rescue classes at any mine or for any group of 613  
miners who make application for the conducting of such classes. 614  
The chief may assess a fee for safety and first aid classes for 615  
the purpose of covering the costs associated with providing 616  
those classes. The chief shall establish a fee schedule for 617  
safety and first aid classes by rule adopted in accordance with 618  
Chapter 119. of the Revised Code. Fees collected under this 619  
section shall be deposited in the mining regulation and safety 620  
fund created in section 1513.30 of the Revised Code. 621

The superintendent shall prescribe and provide for a 622  
uniform schedule of conducting such safety and rescue classes as 623  
will provide a competent knowledge of modern safety and rescue 624  
methods in, at, and about mines. 625

(D) No member of a mine rescue crew who performs mine rescue at an underground coal mine and no operator of a mine whose employee participates as a member of such a mine rescue crew is liable in any civil action that arises under the laws of this state for damage or injury caused in the performance of rescue work at an underground coal mine. However, a member of such a mine rescue crew may be liable if the member acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 626  
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This division does not eliminate, limit, or reduce any immunity from civil liability that is conferred on a member of such a mine rescue crew or an operator by any other provision of the Revised Code or by case law. 635  
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**Sec. 1563.24.** In all mines generating methane in such quantities as to be considered a gaseous mine under section 1563.02 of the Revised Code, the mine foreperson of such a mine shall: 639  
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(A) Employ a sufficient number of competent persons holding foreperson of gaseous mines—or fire boss certificates, except as provided in section 1565.02 of the Revised Code, to examine the working places whether they are in actual course of working or not, and the traveling ways and entrances to old workings with approved flame safety lamps, all of which shall be done not more than three hours prior to the time fixed for the employees to enter the mine; 643  
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(B) Have all old parts of the mine not in the actual course of working, but that are open and safe to travel, examined not less than once each three days by a competent person who holds a foreperson of gaseous mines—or a fire boss certificate; 651  
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(C) See that all parts of the mine not sealed off as  
provided in section 1563.41 of the Revised Code are kept free  
from standing gas, and upon the discovery of any standing gas,  
see that the entrance to the place where the gas is so  
discovered is fenced off and marked with a sign upon which is  
written the word "danger," and the sign shall so remain until  
the gas has been removed; 662

(D) Have the mine examined on all idle days, holidays, and  
Sundays on which employees are required to work therein; 663  
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(E) If more than three hours elapse between shifts, have  
the places in which the succeeding shift works examined by a  
competent person who holds a foreperson of gaseous mines—~~or fire~~  
~~boss certificate~~; 665  
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(F) See that this chapter and Chapters 1561., 1565., and  
1567. and applicable provisions of Chapter 1509. of the Revised  
Code, with regard to examination of working places, removal of  
standing gas, and fencing off of dangerous places, are complied  
with before the employees employed by the mine foreperson for  
this particular work are permitted to do any other work; 669  
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(G) Have a report made on the blackboard provided for in  
section 1567.06 of the Revised Code, which report shall show the  
condition of the mine as to the presence of gas and the place  
where such gas is present, if there is any, before the mine  
foreperson permits the employees to enter the mine; 675  
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(H) Have reports of the duties and activities enumerated  
in this section signed by the person who makes the examination.  
The reports so signed shall be sent once each week to the deputy  
mine inspector of the district in which the mine is located on  
blanks furnished by the division of mineral resources management 680  
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for that purpose, and a copy of the report shall be kept on file 685  
at the mine. 686

(I) Have the fire boss record a report after each 687  
examination, in ink, in the fire boss' record book, which book 688  
shall show the time taken in making the examination and also 689  
clearly state the nature and location of any danger that was 690  
discovered in any room, entry, or other place in the mine, and, 691  
if any danger was discovered, the fire boss shall immediately 692  
report the location thereof to the mine foreperson. 693

No person shall enter the mine until the fire bosses 694  
return to the mine office on the surface, or to a station 695  
located in the mine, where a record book as provided for in this 696  
section shall be kept and signed by the person making the 697  
examination, and report to the oncoming mine foreperson that the 698  
mine is in safe condition for the employees to enter. When a 699  
station is located in any mine, the fire bosses shall sign also 700  
the report entered in the record book in the mine office on the 701  
surface. The record books of the fire bosses shall at all times 702  
during working hours be accessible to the deputy mine inspector 703  
and the employees of the mine. 704

In every mine generating explosive gas in quantities 705  
sufficient to be detected by an approved flame safety lamp, when 706  
the working portions are one mile or more from the entrance to 707  
the mine or from the bottom of the shaft or slope, a permanent 708  
station of suitable dimensions may be erected by the mine 709  
foreperson, provided that the location is approved by the deputy 710  
mine inspector, for the use of the fire bosses, and a fireproof 711  
vault of ample strength shall be erected in the station of 712  
brick, stone, or concrete, in which the temporary record book of 713  
the fire bosses, as described in this section, shall be kept. No 714

person, except a mine foreperson of gaseous mines, and in case 715  
of necessity such other persons as are designated by the mine 716  
foreperson, shall pass beyond the permanent station and danger 717  
signal until the mine has been examined by a fire boss, and the 718  
mine or certain portions thereof reported by the fire boss to be 719  
safe. 720

This section does not prevent a mine foreperson or 721  
foreperson of gaseous mines from being qualified to act and 722  
acting in the capacity of fire boss. The record book shall be 723  
supplied by the division and purchased by the operator. 724

No mine foreperson or person delegated by the mine 725  
foreperson, or any operator of a mine, or other person, shall 726  
refuse or neglect to comply with this section. 727

**Sec. 1565.04.** The operator of each mine who is an employer 728  
as defined in section 4123.01 of the Revised Code, or any mine 729  
with three or more workers, shall employ a certified mine 730  
foreperson. In gaseous underground mines, only a holder of a 731  
mine foreperson of gaseous mines certificate that contains a 732  
notation by the chief of the division of mineral resources 733  
management showing the holder to be at least twenty-three years 734  
of age and have at least five years' actual practical experience 735  
in gaseous mines shall be employed as the mine foreperson. ~~In~~ 736  
~~other underground mines, the mine foreperson shall be a holder~~ 737  
~~of a mine foreperson of nongaseous mines certificate that~~ 738  
~~contains a notation by the chief showing the holder to be at~~ 739  
~~least twenty-one years of age and have at least three years'~~ 740  
~~actual practical experience in mines.~~ All such underground mines 741  
shall have at least one certified foreperson on duty at all 742  
times when workers are employed in the loading or mining of coal 743  
underground. Each active working area of a surface coal mine and 744

each active surface installation of an underground coal mine 745  
shall be examined for hazardous conditions, at least once during 746  
each working shift or more often if necessary for safety, by a 747  
certified mine foreperson who is designated by the operator to 748  
conduct such examinations. Any hazardous conditions noted during 749  
the examinations shall be reported to the operator and shall be 750  
corrected by the operator. A certified mine foreperson may 751  
conduct the examination that is required during each shift at 752  
multiple mine sites, provided that the sites are within a ten- 753  
mile radius. 754

No operator of a mine shall refuse or neglect to comply 755  
with this section. 756

**Sec. 1565.05.** The operator of a mine shall keep on file a 757  
copy of the certificate of each mine foreperson, ~~and~~ foreperson, 758  
~~and fire boss~~ in the operator's employ or under the operator's 759  
control. Such certificate shall be exhibited to the chief of the 760  
division of mineral resources management, or any deputy mine 761  
inspector, upon demand. 762

No operator of a mine shall refuse or neglect to comply 763  
with this section. 764

**Sec. 1565.06.** (A) In emergencies arising at a mine because 765  
of accident, death, illness, or any other cause, an operator may 766  
appoint noncertificate persons as forepersons ~~and fire bosses~~ to 767  
act until certified forepersons ~~and fire bosses~~ satisfactory to 768  
the operator can be secured. Such appointee may not serve in 769  
such capacity for a period longer than six months or until such 770  
time thereafter as an examination is held for such certified 771  
persons under section 1561.13 of the Revised Code. The employer 772  
of such noncertificate person shall, upon appointment of such 773  
noncertificate person in this capacity, forward the name of such 774

noncertificate person to the chief of the division of mineral 775  
resources management. 776

(B) An operator may appoint as a temporary foreperson ~~or~~ 777  
~~fire boss~~—a noncertificate person who is within six months of 778  
possessing the necessary actual practical experience to qualify 779  
to take the examination for certification for the position to 780  
which the person is temporarily appointed. Upon appointment of a 781  
noncertificate person, the operator shall forward the name, 782  
social security number, and brief summary of the person's actual 783  
practical experience to the chief, and the chief shall issue the 784  
person a temporary certificate for the position to which the 785  
person has been temporarily appointed. A temporary certificate 786  
issued under this division is valid for six months or until such 787  
time thereafter as an examination is held under section 1561.13 788  
of the Revised Code for the position to which the person has 789  
been temporarily appointed. 790

(C) A nonresident person who possesses a valid certificate 791  
issued by another state for a position for which the chief 792  
issues a certificate shall be eligible for a temporary 793  
certificate from the chief upon presentation to the chief of a 794  
copy of the certificate from that other state. Chapter 4796. of 795  
the Revised Code does not apply to a certificate issued under 796  
this section. A temporary certificate issued under this division 797  
shall be valid for six months. 798

No operator of a mine shall violate or fail to comply with 799  
this section. 800

**Sec. 3319.2213.** (A) The state board of education shall 801  
enter into an agreement with a construction trade organization 802  
located in this state, such as affiliated construction trades 803  
(ACT) Ohio, or its successor organization, to develop a training 804

program to educate school counselors about building and 805  
construction trades career pathways. 806

A training program developed under this section shall be 807  
completed at a building and construction trades training 808  
facility and include information about both of the following: 809

(1) The pay and benefits available to people who work in 810  
the building and construction trades; 811

(2) Job opportunities and available apprenticeships for 812  
boilermakers, electrical workers, bricklayers, insulators, 813  
laborers, iron workers, plumbers and pipefitters, roofers, 814  
plasterers and cement masons, sheet metal workers, painters and 815  
glaziers, elevator constructors, operating engineers, carpenters, 816  
and teamsters. 817

(B) (1) (B) A licensed school counselor serving students in 818  
any of grades seven through twelve shall complete four hours of 819  
training developed under division (A) of this section every five 820  
yearswithin five years of initial licensure or, for such a 821  
counselor who was licensed prior to the effective date of this 822  
amendment, within five years of that effective date. 823

(C) Within five years of completing an initial training 824  
under division (B) of this section, and every five years 825  
thereafter, a licensed school counselor serving students in any 826  
of grades seven through twelve shall either complete four hours 827  
of training developed under division (A) of this section or 828  
certify to the local professional development committee 829  
established under section 3319.22 of the Revised Code that the 830  
counselor has spent a minimum of four hours doing one or more of 831  
the following alternative activities: 832

(1) Touring local career-technical education facilities 833

<u>and investigating program offerings, as well as possible student apprenticeship, internship, and employment opportunities for each program;</u>	834 835 836
<u>(2) Meeting with local JobsOhio staff and reviewing local business needs; in-demand job fields; and apprenticeship, internship, and employment opportunities for each local in-demand field;</u>	837 838 839 840
<u>(3) Participating in or helping host a career exploration opportunity for students with local businesses, including local employers of in-demand jobs. This training</u>	841 842 843
<u>(D) Training and alternative activities completed under this section shall qualify toward meeting professional development activity requirements for the renewal of a pupil services license in school counseling. An individual who begins working with students in any of grades seven through twelve in the last two years of the individual's five-year renewal cycle shall complete this requirement during the following license renewal cycle.</u>	844 845 846 847 848 849 850 851
<u>(2) Local professional development committees established under section 3319.22 of the Revised Code shall incorporate this such training and alternative activities as part of the independent professional development programs for school counselors that serve students in any of grades seven through twelve.</u>	852 853 854 855 856 857
<u>(E) Participating building and construction trades shall ensure ample opportunities for school counselors to complete the training prescribed under described in division (A) of this section during each renewal cycle for licensure. Participating building and construction trades training</u>	858 859 860 861 862

facilities or the entity with which the state board enters into 863  
an agreement under this section shall bear all costs associated 864  
with ~~this—that~~ training. 865

**Sec. 3319.51.** (A) As used in this section, "operating 866  
expenses" includes the cost of administering requirements 867  
related to the issuance and renewal of licenses, certificates, 868  
or permits described in this chapter and sections 3301.071 and 869  
3301.074 of the Revised Code and any other cost incurred by the 870  
state board of education to perform a duty prescribed by law. 871

(B) The state board of education shall annually establish 872  
the amount of the fees required to be paid for any license, 873  
certificate, or permit issued under this chapter or division (B) 874  
of section 3301.071 or section 3301.074 of the Revised Code. 875

Except— 876

The state board shall establish a fee of one hundred fifty 877  
dollars to obtain or renew a professional administrator license 878  
issued under section 3319.272 of the Revised Code. 879

Except as provided in division (C) of this section, the 880  
amount of these fees shall be such that they, along with any 881  
appropriation made by the general assembly, will be sufficient 882  
to cover the annual estimated operating expenses of the state 883  
board. 884

(C) The state board shall not require any fee to be paid 885  
under division (B) of this section for a license, certificate, 886  
or permit issued for the purpose of teaching in a junior reserve 887  
officer training corps (JROTC) program approved by the congress 888  
of the United States under title 10 of the United States Code. 889

(D) The operating expenses of the state board shall be 890  
paid primarily from, and all license, certificate, or permit 891

fees received by the state board shall be deposited in, the 892  
state treasury to the credit of the occupational licensing and 893  
regulatory fund established in section 4743.05 of the Revised 894  
Code. 895

**Sec. 3701.83.** There is hereby created in the state 896  
treasury the general operations fund. Moneys in the fund shall 897  
be used for the purposes specified in sections 3701.04, 898  
3701.344, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 899  
3733.43, 3748.04, 3748.05, 3748.07, ~~3748.12~~, 3748.13, 3749.04, 900  
3749.07, 3776.08, and 4769.09 of the Revised Code. 901

**Sec. 3704.14.** (A) (1) If the director of environmental 902  
protection determines that implementation of a motor vehicle 903  
inspection and maintenance program is necessary for the state to 904  
effectively comply with the federal Clean Air Act after June 30, 905  
2025, the director may provide for the implementation of the 906  
program in those counties in this state in which such a program 907  
is federally mandated. Upon making such a determination, the 908  
director of environmental protection may request the director of 909  
administrative services to extend the terms of the contract that 910  
was entered into under the authority of H.B. 33 of the 135th 911  
general assembly. Upon receiving the request, the director of 912  
administrative services shall extend the contract, beginning on 913  
July 1, 2025, in accordance with this section. The contract 914  
shall be extended for a period of up to twenty-four months with 915  
the contractor who conducted the motor vehicle inspection and 916  
maintenance program under that contract. 917

(2) Prior to the expiration of the contract extension that 918  
was authorized by division (A) (1) of this section under the 919  
authority of H.B. 33 of the 135th general assembly, the director 920  
of environmental protection shall request the director of 921

administrative services to enter into a contract with a vendor 922  
to operate a decentralized motor vehicle inspection and 923  
maintenance program in each county in this state in which such a 924  
program is federally mandated through June 30, 2027. The 925  
contract shall ensure that the decentralized motor vehicle 926  
inspection and maintenance program achieves an equivalent amount 927  
of emission reductions as achieved by the program operated under 928  
the authority of the contract that was extended under division 929  
(A) (1) of this section under the authority of H.B. 33 of the 930  
135th general assembly. The director of administrative services 931  
shall select a vendor through a competitive selection process in 932  
compliance with Chapter 125. of the Revised Code. 933

(3) Notwithstanding any law to the contrary, the director 934  
of administrative services shall ensure that a competitive 935  
selection process regarding a contract to operate a 936  
decentralized motor vehicle inspection and maintenance program 937  
in this state incorporates the following, which shall be 938  
included in the contract: 939

(a) For purposes of expanding the number of testing 940  
locations for consumer convenience, a requirement that the 941  
vendor utilize established local businesses, auto repair 942  
facilities, or leased properties to operate state-approved 943  
inspection and maintenance testing facilities; 944

(b) A requirement that the vendor selected to operate the 945  
program provide notification of the program's requirements to 946  
each owner of a motor vehicle that is required to be inspected 947  
under the program. The contract shall require the notification 948  
to be provided not later than sixty days prior to the date by 949  
which the owner of the motor vehicle is required to have the 950  
motor vehicle inspected. The director of environmental 951

protection and the vendor shall jointly agree on the content of 952  
the notice. However, the notice shall include at a minimum the 953  
locations of all inspection facilities within a specified 954  
distance of the address that is listed on the owner's motor 955  
vehicle registration. 956

(c) A requirement that the vendor comply with testing 957  
methodology and supply the required equipment approved by the 958  
director of environmental protection as specified in the 959  
competitive selection process in compliance with Chapter 125. of 960  
the Revised Code. 961

(4) A decentralized motor vehicle inspection and 962  
maintenance program operated under this section shall comply 963  
with division (B) of this section. The director of environmental 964  
protection shall administer the decentralized motor vehicle 965  
inspection and maintenance program operated under this section. 966

(B) The director shall establish a decentralized motor 967  
vehicle inspection and maintenance program as authorized by this 968  
section and, at a minimum, the director shall ensure that the 969  
program does all of the following: 970

(1) Complies with the federal Clean Air Act; 971

(2) Provides for the issuance of inspection certificates 972  
and alternative emissions certificates as specified in rules 973  
adopted under division (C) (2) of this section; 974

(3) Provides for a new car exemption for motor vehicles 975  
six years old or newer and provides that a new motor vehicle is 976  
exempt for six years regardless of whether legal title to the 977  
motor vehicle is transferred during that period; 978

(4) Provides for an exemption for battery electric motor 979  
vehicles; 980

(5) Provides for an exemption for hybrid motor vehicles  
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seven years old or newer and provides that a hybrid motor  
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vehicle is exempt for seven years regardless of whether legal  
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title to the motor vehicle is transferred during that period. 984

(C) (1) The director of environmental protection shall  
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adopt rules in accordance with Chapter 119. of the Revised Code  
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that the director determines are necessary to implement this  
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section. The director may continue to implement and enforce  
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rules pertaining to the motor vehicle inspection and maintenance  
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program previously implemented under former section 3704.14 of  
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the Revised Code as that section existed prior to its repeal and  
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reenactment by Am. Sub. H.B. 66 of the 126th general assembly,  
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provided that the rules do not conflict with this section. 993

(2) The rules adopted under division (C) (1) of this  
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section shall provide for the issuance of inspections  
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certificates and alternative emissions certificates. Under the  
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rules, an inspection certificate shall be issued to the owner or  
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lessee of a motor vehicle when the motor vehicle passes an  
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emissions inspection conducted in accordance with the motor  
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vehicle inspection and maintenance program established under  
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this section. In lieu of obtaining an inspection certificate,  
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the rules shall establish a system by which the owner or lessee  
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of a motor vehicle may request an alternative emissions  
1003  
certificate from the director. 1004

(a) The rules providing for the issuance of alternative  
1005  
emissions certificates shall require an owner or lessee of a  
1006  
motor vehicle to do the following in order to receive the  
1007  
certificate:  
1008

(i) Complete and submit an attestation form created by the  
1009  
director that includes a statement that reads substantially as  
1010

follows:

"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."

(ii) Sign and date the form either manually or  
electronically;

(iii) Submit the form to the director either by regular  
mail, certified mail, or electronically.

(b) The rules shall require the director to include both  
of the following additional information on the attestation form:

(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;

(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.

(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  
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 1040  
form if the director receives it by electronic means. 1041

(d) The rules shall require the director to reject an 1042  
attestation form for any of the following reasons: 1043

(i) The motor vehicle that is the subject of the 1044  
attestation form was in an accident or collision within the two 1045  
years prior to the date of submission of the form, and the 1046  
accident or collision caused substantial damage to the internal 1047  
structure of the motor vehicle. 1048

(ii) The owner or lessee of the motor vehicle that is the 1049  
subject of the attestation form has received a ticket, citation, 1050  
or summons with regard to that motor vehicle within the two 1051  
years prior to the date of submission of the form for a 1052  
violation of section 4513.22 of the Revised Code or 1053  
substantially equivalent municipal ordinance. 1054

(iii) The information in the attestation form is 1055  
determined by the director to be false. 1056

If the director rejects an attestation form under division 1057  
(C) (2) (d) (iii) of this section, the director shall provide 1058  
notice to the owner or lessee that the attestation form was 1059  
determined to be false. The notice shall inform the owner or 1060  
lessee that the owner or lessee may submit a corrected form to 1061  
the director within thirty days of the receipt of the notice. If 1062  
the owner or lessee submits a corrected attestation form that 1063  
complies with rules adopted under division (C) (2) of this 1064  
section within that thirty-day period, the director shall issue 1065  
an alternative emissions certificate to the owner or lessee. If 1066  
the owner or lessee fails to correct the attestation form, the 1067  
director shall require the owner or lessee to complete an 1068

emissions inspection and obtain an inspection certificate in 1069  
accordance with rules adopted under this section. 1070

If the director rejects an attestation form under division 1071  
(C) (2) (d) (i) or (ii) of this section, the director shall require 1072  
the owner or lessee to complete an emissions inspection and 1073  
obtain an inspection certificate in accordance with rules 1074  
adopted under this section. 1075

(e) In adopting rules under division (C) (2) of this 1076  
section, the director shall ensure that the owner or lessee of a 1077  
motor vehicle who falsifies an attestation form receives a 1078  
notice that includes a statement that reads substantially as 1079  
follows: "You have falsified an attestation form for your 1080  
vehicle under the E-Check/motor vehicle emissions testing 1081  
program. Your vehicle is registered in one of [insert the number 1082  
of counties] counties in this state that has federal emission 1083  
mandates imposed on it that the State of Ohio is required, under 1084  
threat of penalty, to enforce. This letter serves as Ohio's only 1085  
penalty for falsification of an attestation form. You have 1086  
thirty days from the date of this notice to amend your 1087  
attestation form and submit the amended form to the 1088  
Environmental Protection Agency. However, if you choose not to 1089  
submit an amended attestation form, you must have a motor 1090  
vehicle emissions inspection conducted for your vehicle in 1091  
accordance with section 3704.14 of the Revised Code and rules 1092  
adopted under it." 1093

(f) No penalties apply to a person who the director has 1094  
determined to have falsified an attestation form, other than the 1095  
issuance of the notice required under division (C) (2) (e) of this 1096  
section. 1097

(D) There is hereby created in the state treasury the auto 1098

emissions test fund, which shall consist of money received by 1099  
the director from any cash transfers, state and local grants, 1100  
and other contributions that are received for the purpose of 1101  
funding the program established under this section. The director 1102  
of environmental protection shall use money in the fund solely 1103  
for the implementation, supervision, administration, operation, 1104  
and enforcement of the motor vehicle inspection and maintenance 1105  
program established under this section. Money in the fund shall 1106  
not be used for either of the following: 1107

(1) To pay for the inspection costs incurred by a motor 1108  
vehicle dealer so that the dealer may provide inspection 1109  
certificates to an individual purchasing a motor vehicle from 1110  
the dealer when that individual resides in a county that is 1111  
subject to the motor vehicle inspection and maintenance program; 1112

(2) To provide payment for more than one free passing 1113  
emissions inspection or a total of three emissions inspections 1114  
for a motor vehicle in any three-hundred-sixty-five-day period. 1115  
The owner or lessee of a motor vehicle is responsible for 1116  
inspection fees that are related to emissions inspections beyond 1117  
one free passing emissions inspection or three total emissions 1118  
inspections in any three-hundred-sixty-five-day period. 1119  
Inspection fees that are charged by a contractor conducting 1120  
emissions inspections under a motor vehicle inspection and 1121  
maintenance program shall be approved by the director of 1122  
environmental protection. 1123

(E) The motor vehicle inspection and maintenance program 1124  
established under this section expires upon the termination of 1125  
all contracts entered into under this section and shall not be 1126  
implemented beyond the final date on which termination occurs. 1127

(F) As used in this section "battery electric motor 1128

vehicle" and "hybrid motor vehicle" have the same meanings as in  
1129  
section 4501.01 of the Revised Code. 1130

(G) On June 30, 2025, the director shall immediately begin  
1131  
procedures to submit to the United States environmental  
1132  
protection agency the alternative emissions certification  
1133  
program for approval as part of the Ohio state implementation  
1134  
plan. If the United States environmental protection agency  
1135  
approves the modification of the decentralized motor vehicle  
1136  
inspection and maintenance program as providing sufficient air  
1137  
pollution reductions to meet the federal Clean Air Act  
1138  
requirements for a vehicle inspection and maintenance program  
1139  
and modifies the Ohio state implementation plan, the director  
1140  
shall immediately begin to modify the Ohio environmental  
1141  
protection agency rules to implement the alternative emissions  
1142  
certification program. Nothing in this division requires the  
1143  
Ohio environmental protection agency to take action to implement  
1144  
the alternative emissions certification program until the United  
1145  
States environmental protection agency approves the alternative  
1146  
program as part of the Ohio state implementation plan. 1147

(H) If the United States environmental protection agency  
1148  
determines that the motor vehicle inspection and maintenance  
1149  
program implemented in accordance with this section is not  
1150  
necessary for the state or any area of the state to comply with  
1151  
the federal Clean Air Act, the director shall immediately  
1152  
discontinue the program and take any actions necessary to  
1153  
effectuate the termination of the program. If the director  
1154  
discontinues the motor vehicle inspection and maintenance  
1155  
program in this state in accordance with this division, the  
1156  
director shall immediately rescind any rule associated with the  
1157  
program, including rules that govern both of the following: 1158

<u>(1) The certification of inspectors under the program;</u>	1159
<u>(2) The certification of repair technicians, including</u>	1160
<u>waiver repair technicians, under the program.</u>	1161
<b>Sec. 3748.01.</b> As used in this chapter:	1162
(A) "Byproduct material" means either of the following:	1163
(1) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;	1164 1165 1166 1167
(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.	1168 1169 1170
(B) " <u>Certified radiation Radiation expert</u> " means an individual who <u>has complied with all of the following:</u>	1171 1172
(1) <u>Applied to the director of health for certification as a radiation expert under section 3748.12 of the Revised Code;</u>	1173 1174
(2) <u>Met minimum education and experience requirements established in rules adopted under division (C) of section 3748.04 of the Revised Code;</u>	1175 1176 1177
(3) <u>Been granted a certificate as a radiation expert by the director under section 3748.12 of the Revised Code possesses a valid, unexpired certification from the American board of radiology or American board of medical physics that qualifies the individual to develop, provide periodic review of, and conduct audits of a quality assurance program.</u>	1178 1179 1180 1181 1182 1183
(C) "Closure" or "site closure" refers to a facility for the disposal of low-level radioactive waste or a byproduct	1184 1185

material site, as "byproduct material" is defined in division 1186  
(A) (2) of this section, and means all activities performed at a 1187  
licensed operation, such as stabilization and contouring, to 1188  
ensure that the site where the operation occurred is in a stable 1189  
condition so that only minor custodial care, surveillance, and 1190  
monitoring are necessary at the site following the termination 1191  
of the licensed operation. 1192

(D) "Decommissioning" means to safely remove any licensed 1193  
operation from service and reduce residual radioactivity to a 1194  
level that permits release of the licensee's property for 1195  
unrestricted use. With regard to a facility for the disposal of 1196  
low-level radioactive waste or a byproduct material site, as 1197  
"byproduct material" is defined in division (A) (2) of this 1198  
section, "decommissioning" does not include the reduction of 1199  
residual radioactivity to a level that permits release of the 1200  
facility for unrestricted use. 1201

(E) "Director of health" includes a designee or authorized 1202  
representative of the director. 1203

(F) "Disposal," with regard to low-level radioactive 1204  
waste, means the permanent isolation of that waste in accordance 1205  
with requirements established by the United States nuclear 1206  
regulatory commission or the licensing agreement state. 1207

(G) "Disposal site" means that portion of a facility that 1208  
is used for the disposal of low-level radioactive waste and that 1209  
consists of disposal units and a buffer zone. "Disposal unit" 1210  
means a discrete portion of such a facility into which low-level 1211  
radioactive waste is placed for disposal. 1212

(H) (1) Except as provided in division (H) (2) of this 1213  
section, "facility" means the state, any political subdivision, 1214

person, public or private institution, or group, or any unit of 1215  
one of those entities, but does not include the federal 1216  
government or any of its agencies. 1217

(2) For the purposes of the disposal of low-level 1218  
radioactive waste, "facility" has the same meaning as in section 1219  
3747.01 of the Revised Code. 1220

(I) "Handle" means receive, possess, use, store, transfer, 1221  
install, service, or dispose of sources of radiation unless 1222  
possession is solely for the purpose of transportation. 1223

(J) "Handler" means a facility that handles sources of 1224  
radiation unless possession is solely for the purpose of 1225  
transportation. 1226

(K) "Inspection" means an official review, examination, or 1227  
observation, including, without limitation, tests, surveys, and 1228  
monitoring, that is used to determine compliance with rules, 1229  
orders, requirements, and conditions of the department of health 1230  
and that is conducted by the director of health. 1231

(L) "Low-level radioactive waste" has the same meaning as 1232  
in section 3747.01 of the Revised Code with regard to the 1233  
disposal of low-level radioactive waste. In regard to regulatory 1234  
control at locations other than a disposal facility, "low-level 1235  
radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b. 1236

(M) "Quality assurance program" means a program providing 1237  
for verification by written procedures such as testing, 1238  
auditing, and inspection to ensure that deficiencies, 1239  
deviations, defective equipment, or unsafe practices, or a 1240  
combination thereof, relating to the use, disposal, management, 1241  
or manufacture of radiation sources are identified, promptly 1242  
corrected, and reported to the appropriate regulatory 1243

authorities.	1244
(N) "Radiation" means ionizing and nonionizing radiation.	1245
(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.	1246 1247 1248 1249
(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave.	1250 1251 1252
(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.	1253 1254 1255 1256 1257
(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following:	1258 1259 1260 1261 1262 1263
(1) Diathermy machines;	1264
(2) Microwave ovens, including food service microwave ovens used for commercial and industrial uses, television receivers, electric lamps, and other household appliances and products that generate very low levels of radiation.	1265 1266 1267 1268
(Q) "Source material" means uranium, thorium, or any combination thereof in any physical or chemical form, or any ores that contain by weight at least one-twentieth of one per	1269 1270 1271

cent of uranium, thorium, or any combination thereof. "Source material" does not include special nuclear material.	1272 1273
(R) "Source of radiation" means radioactive material or radiation-generating equipment.	1274 1275
(S) "Special nuclear material" means either of the following:	1276 1277
(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States nuclear regulatory commission determines to be special nuclear material, but does not include source material pursuant to section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2071.	1278 1279 1280 1281 1282 1283
(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S)(1) of this section.	1284 1285 1286
(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.	1287 1288 1289 1290
(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.	1291 1292 1293 1294 1295 1296
(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.	1297 1298 1299 1300

(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. 1301  
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(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. 1306  
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(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. 1313  
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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: 1317  
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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: 1320  
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(1) Requirements governing both of the following: 1327

(a) The licensing and inspection of handlers of radioactive material. Standards established in rules adopted 1328  
1329

under division (A) (1) (a) of this section regarding byproduct	1330
material or any activity that results in the production of that	1331
material, to the extent practicable, shall be equivalent to or	1332
more stringent than applicable standards established by the	1333
United States nuclear regulatory commission.	1334
(b) The registration and inspection of handlers of	1335
radiation-generating equipment. Standards established in rules	1336
adopted under division (A) (1) (b) of this section, to the extent	1337
practicable, shall be equivalent to applicable standards	1338
established by the food and drug administration in the United	1339
States department of health and human services.	1340
(2) Identification of and requirements governing	1341
possession and use of specifically licensed and generally	1342
licensed quantities of radioactive material as either sealed	1343
sources or unsealed sources;	1344
(3) A procedure for the issuance of and the frequency of	1345
renewal of the licenses of handlers of radioactive material,	1346
other than a license for a facility for the disposal of low-	1347
level radioactive waste, and of the certificates of registration	1348
of handlers of radiation-generating equipment;	1349
(4) Procedures for suspending and revoking the licenses of	1350
handlers of radioactive material and the certificates of	1351
registration of handlers of radiation-generating equipment;	1352
(5) Criteria to be used by the director of health in	1353
amending the license of a handler of radioactive material or the	1354
certificate of registration of a handler of radiation-generating	1355
equipment subsequent to its issuance;	1356
(6) Criteria for achieving and maintaining compliance with	1357
this chapter and rules adopted under it by licensees and	1358

registrants;	1359
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	1360 1361 1362
(8) Fees for both of the following:	1363
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	1364 1365 1366
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	1367 1368 1369
(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:	1370 1371 1372
(a) The inspection of handlers of radioactive material;	1373
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	1374 1375 1376
(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;	1377 1378 1379 1380
(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;	1381 1382 1383 1384 1385 1386

(3) Requiring the maintenance of records on the receipt, 1387  
use, storage, transfer, and disposal of radioactive material, 1388  
including technologically enhanced naturally occurring 1389  
radioactive material, and on the radiological safety aspects of 1390  
the use and maintenance of radiation-generating equipment. The 1391  
rules adopted under division (B) (3) of this section shall not 1392  
require maintenance of records regarding naturally occurring 1393  
radioactive material. 1394

In adopting rules under divisions (A) and (B) of this 1395  
section, the director shall do the following: use standards no 1396  
less stringent than the regulations adopted by the United States 1397  
nuclear regulatory commission, the United States environmental 1398  
protection agency, and the United States department of health 1399  
and human services; consider reports of the national council on 1400  
radiation protection and measurements and the relevant standards 1401  
of the American national standards institute; and use the 1402  
"Suggested State Regulations for Control of Radiation" prepared 1403  
by the conference of radiation control program directors, inc., 1404  
except that the director may deviate from those regulations if 1405  
the director determines that doing so is warranted and does not 1406  
pose a health, environmental, or safety risk. 1407

~~(C) Establishing fees, procedures, and requirements for~~ 1408  
~~certification as a radiation expert, including all of the~~ 1409  
~~following, without limitation:~~ 1410

~~(1) Minimum training and experience requirements;~~ 1411  
~~(2) Procedures for applying for certification;~~ 1412  
~~(3) Procedures for review of applications and issuance of~~ 1413  
~~certificates;~~ 1414  
~~(4) Procedures for suspending and revoking certification.~~ 1415

(D)—Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	1416 1417
(E)(D) Establishing the responsibilities of a radiation expert;	1418 1419
(F)(E) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	1420 1421 1422
(G)(F) 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 authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.	1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435
(H)(G) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it. Any fee required under this division that	1436 1437 1438 1439 1440 1441 1442 1443 1444 1445

remains unpaid on the ninety-first day after the original 1446  
invoice date shall be assessed an additional amount equal to ten 1447  
per cent of the original fee. 1448

(I)(H) Establishing requirements governing closure, 1449  
decontamination, decommissioning, reclamation, and long-term 1450  
surveillance and care of a facility licensed under this chapter 1451  
and rules adopted under it. Rules adopted under division (I)(H) 1452  
of this section shall include, without limitation, all of the 1453  
following: 1454

(1) Standards and procedures to ensure that a licensee 1455  
prepares a decommissioning funding plan that provides an 1456  
adequate financial guaranty to permit the completion of all 1457  
requirements governing the closure, decontamination, 1458  
decommissioning, and reclamation of sites, structures, and 1459  
equipment used in conjunction with a licensed activity; 1460

(2) For licensed activities where radioactive material 1461  
that will require surveillance or care is likely to remain at 1462  
the site after the licensed activities cease, as indicated in 1463  
the application for the license submitted under section 3748.07 1464  
of the Revised Code, standards and procedures to ensure that the 1465  
licensee prepares an additional decommissioning funding plan for 1466  
long-term surveillance and care, before termination of the 1467  
license, that provides an additional adequate financial guaranty 1468  
as necessary to provide for that surveillance and care; 1469

(3) For the purposes of the decommissioning funding plans 1470  
required in rules adopted under divisions (I)(1)(H)(1) and (2) 1471  
of this section, the types of acceptable financial guaranties, 1472  
which shall include bonds issued by fidelity or surety companies 1473  
authorized to do business in the state, certificates of deposit, 1474  
deposits of government securities, irrevocable letters or lines 1475

of credit, trust funds, escrow accounts, or other similar types 1476  
of arrangements, but shall not include any arrangement that 1477  
constitutes self-insurance; 1478

(4) A requirement that the decommissioning funding plans 1479  
required in rules adopted under divisions (I)-(1)(H) (1) and (2) 1480  
of this section contain financial guaranties in amounts 1481  
sufficient to ensure compliance with any standards established 1482  
by the United States nuclear regulatory commission, or by the 1483  
state if it has become an agreement state pursuant to section 1484  
3748.03 of the Revised Code, pertaining to closure, 1485  
decontamination, decommissioning, reclamation, and long-term 1486  
surveillance and care of licensed activities and sites of 1487  
licensees. 1488

Standards established in rules adopted under division (I) 1489  
(H) of this section regarding any activity that resulted in the 1490  
production of byproduct material, as defined in division (A) (2) 1491  
of section 3748.01 of the Revised Code, to the extent 1492  
practicable, shall be equivalent to or more stringent than 1493  
standards established by the United States nuclear regulatory 1494  
commission for sites at which ores were processed primarily for 1495  
their source material content and at which byproduct material, 1496  
as defined in division (A) (2) of section 3748.01 of the Revised 1497  
Code, is deposited. 1498

(J)-(I) Establishing criteria governing inspections of a 1499  
facility for the disposal of low-level radioactive waste, 1500  
including, without limitation, the establishment of a resident 1501  
inspector program at such a facility; 1502

(K)-(J) Establishing requirements and procedures governing 1503  
the filing of complaints under section 3748.16 of the Revised 1504  
Code, including, without limitation, those governing 1505

intervention in a hearing held under division (B) (3) of that section;	1506 1507
<u>(L)(K)</u> Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.	1508 1509 1510 1511
<b>Sec. 3748.05.</b> (A) The director of health shall do all of the following:	1512 1513
(1) Administer and enforce this chapter and the rules adopted under it;	1514 1515
(2) Collect and make available information relating to sources of radiation;	1516 1517
(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;	1518 1519 1520 1521
(4) Review reports of quality assurance audits performed by <del>certified</del> -radiation experts under this chapter and the rules adopted under it;	1522 1523 1524
(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;	1525 1526 1527 1528
(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	1529 1530 1531 1532 1533

and those rules. The director may require the submission of 1534  
compliance schedules and other related information. Any orders 1535  
issued or payments or other requirements imposed pursuant to 1536  
rules adopted under division (A)(6) of this section shall not 1537  
affect any civil or criminal enforcement proceeding brought 1538  
under this chapter or any other provision of state or local law. 1539  
Moneys collected as administrative penalties imposed pursuant to 1540  
rules adopted under division (A)(6) of this section shall be 1541  
deposited in the state treasury to the credit of the general 1542  
operations fund created in section 3701.83 of the Revised Code. 1543  
The moneys shall be used solely to administer and enforce this 1544  
chapter and the rules adopted under it. 1545

(7) Maintain files of both of the following: 1546

(a) All license and registration applications, issuances, 1547  
denials, amendments, renewals, suspensions, and revocations and 1548  
any administrative or judicial action pertaining to them; 1549

(b) All rules adopted under this chapter, or proposed to 1550  
be adopted, relating to the regulation of sources of radiation 1551  
and proceedings on them. 1552

(B) The director may do any or all of the following: 1553

(1) Advise, consult, and cooperate with other agencies of 1554  
the state, the federal government, other states, interstate 1555  
agencies, political subdivisions, industries, and other affected 1556  
groups in furtherance of the purposes of this chapter and the 1557  
rules adopted under it; 1558

(2) Accept and administer grants from the federal 1559  
government and from other sources, public or private, for 1560  
carrying out any of the director's functions under this chapter 1561  
and the rules adopted under it; 1562

(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;	1563 1564 1565 1566 1567 1568 1569 1570 1571
(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 equipment at registered dental facilities at the request of the facility or pursuant to contract with the department;	1572 1573 1574 1575 1576
(5) Exercise all incidental powers necessary to carry out the purposes of this chapter and the rules adopted under it, including, without limitation, the issuance of orders.	1577 1578 1579
<b>Sec. 3748.11.</b> (A) A facility that is licensed under this chapter and rules adopted under it, including a facility that is licensed for the disposal of low-level radioactive waste, shall comply with all applicable rules adopted under division <del>(I)</del> <u>(H)</u> of section 3748.04 of the Revised Code governing closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of its licensed activity.	1580 1581 1582 1583 1584 1585 1586
(B) Unless there is federal jurisdiction for oversight of closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of a licensed activity, those actions are the responsibility of the state.	1587 1588 1589 1590
(C) When the director of health finds that a licensee has	1591

failed to comply with all requirements governing closure, 1592  
decontamination, decommissioning, and reclamation of its 1593  
licensed activity, the director shall make a finding of that 1594  
fact and declare any financial guaranty provided for in the 1595  
licensee's decommissioning funding plan prepared in accordance 1596  
with rules adopted under division ~~(I)(1)(H)(1)~~ of section 1597  
3748.04 of the Revised Code forfeited in the amount established 1598  
by the director. The director shall certify the total forfeiture 1599  
to the attorney general, who shall collect the amount. 1600

Except as otherwise provided in this section, moneys 1601  
collected from forfeitures under this division shall be 1602  
deposited into the state treasury to the credit of the radiation 1603  
site closure and reclamation fund, which is hereby created. All 1604  
investment earnings of the fund shall be credited to the fund. 1605  
The director shall use moneys in the fund exclusively to 1606  
complete actions necessary to comply with requirements governing 1607  
closure, decontamination, decommissioning, and reclamation 1608  
regarding licensed activities for which financial guaranties 1609  
have been forfeited under this division. The director may enter 1610  
into contracts for those purposes. 1611

(D) When the director finds that a licensee to whom 1612  
standards and procedures established in rules adopted under 1613  
division ~~(I)(2)(H)(2)~~ of section 3748.04 of the Revised Code 1614  
apply has failed to comply with long-term surveillance and care 1615  
requirements established in rules adopted under division (I) of 1616  
that section, the director shall make a finding of that fact and 1617  
declare any financial guaranty provided for in the licensee's 1618  
decommissioning funding plan prepared in accordance with rules 1619  
adopted under division (I)(2) of that section forfeited in the 1620  
amount established by the director. The director shall certify 1621  
the total forfeiture to the attorney general, who shall collect 1622

the amount.	1623
Except as otherwise provided in this section, moneys collected from forfeitures under this division shall be deposited into the state treasury to the credit of the radiation long-term care fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The director shall use moneys in the fund exclusively to complete actions necessary to comply with requirements governing long-term surveillance, care, and maintenance regarding licensed activities for which financial guaranties have been forfeited under this division. The director may enter into contracts for those purposes.	1624 1625 1626 1627 1628 1629 1630 1631 1632 1633 1634
(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.	1635 1636 1637 1638 1639 1640
<b>Sec. 3748.13.</b> (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 <del>(D)</del> <u>(C)</u> 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	1641 1642 1643 1644 1645 1646 1647 1648 1649 1650 1651 1652

a violation of this chapter or rules adopted under it. 1653

The director shall require any hospital registered under 1654  
division (A) of section 3701.07 of the Revised Code to develop 1655  
and maintain a quality assurance program for all sources of 1656  
radiation-generating equipment. A—certified—The hospital shall 1657  
designate a radiation expert shall—to conduct oversight and 1658  
maintenance of the program and maintain a record of such 1659  
designation. The radiation expert shall file a report of audits 1660  
of the program with the director on forms prescribed by the 1661  
director. The audit reports shall become part of the inspection 1662  
record. 1663

(B) (1) Except as provided in division (B) (2) of this 1664  
section, a facility shall pay inspection fees for radioactive 1665  
material and radiation-generating equipment according to the 1666  
schedule and categories established in rules adopted under 1667  
division (A) (9) of section 3748.04 of the Revised Code. 1668

(2) A facility that is, or is operated by, a medical 1669  
practitioner or medical-practitioner group shall pay inspection 1670  
fees for radiation-generating equipment according to the 1671  
following schedule and categories: 1672  
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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	\$326.00

same location

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

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

(D) (1) Except as provided in division (D) (2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to

determine whether violations cited in a previous inspection have 1692  
been corrected is the amount specified in rules adopted under 1693  
division (A) (9) of section 3748.04 of the Revised Code. 1694

(2) For a facility that is, or is operated by, a medical 1695  
practitioner or medical-practitioner group and handles 1696  
radiation-generating equipment, the fee for an inspection to 1697  
determine whether violations cited in a previous inspection have 1698  
been corrected is fifty per cent of the applicable fee under the 1699  
schedule in division (B) (2) of this section. 1700

(E) The director may conduct a review of shielding plans 1701  
or the adequacy of shielding on the request of a licensee or 1702  
registrant or an applicant for licensure or registration or 1703  
during an inspection when the director considers a review to be 1704  
necessary. 1705

(1) Except as provided in division (E) (2) of this section, 1706  
the fee for the review is the applicable amount specified in 1707  
rules adopted under division (A) (9) of section 3748.04 of the 1708  
Revised Code. 1709

(2) For a facility that is, or is operated by, a medical 1710  
practitioner or medical-practitioner group and handles or 1711  
proposes to handle radiation-generating equipment, the fee for 1712  
the review is seven hundred sixty-two dollars for each room 1713  
where a source of radiation is used and is in addition to any 1714  
other fee applicable under the schedule in division (B) (2) of 1715  
this section. 1716

(F) All fees shall be paid to the department of health no 1717  
later than thirty days after the invoice for the fee is mailed. 1718  
Fees shall be deposited in the general operations fund created 1719  
in section 3701.83 of the Revised Code. The fees shall be used 1720

solely to administer and enforce this chapter and rules adopted 1721  
under it. 1722

(G) Any fee required under this section that remains 1723  
unpaid on the ninety-first day after the original invoice date 1724  
shall be assessed an additional amount equal to ten per cent of 1725  
the original fee. 1726

(H) If the director determines that a board of health of a 1727  
city or general health district is qualified to conduct 1728  
inspections of radiation-generating equipment, the director may 1729  
delegate to the board, by contract, the authority to conduct 1730  
such inspections. In making a determination of the 1731  
qualifications of a board of health to conduct those 1732  
inspections, the director shall evaluate the credentials of the 1733  
individuals who are to conduct the inspections of radiation- 1734  
generating equipment and the radiation detection and measuring 1735  
equipment available to them for that purpose. If a contract is 1736  
entered into, the board shall have the same authority to make 1737  
inspections of radiation-generating equipment as the director 1738  
has under this chapter and rules adopted under it. The contract 1739  
shall stipulate that only individuals approved by the director 1740  
as qualified shall be permitted to inspect radiation-generating 1741  
equipment under the contract's provisions. The contract shall 1742  
provide for such compensation for services as is agreed to by 1743  
the director and the board of health of the contracting health 1744  
district. The director may reevaluate the credentials of the 1745  
inspection personnel and their radiation detecting and measuring 1746  
equipment as often as the director considers necessary and may 1747  
terminate any contract with the board of health of any health 1748  
district that, in the director's opinion, is not satisfactorily 1749  
performing the terms of the contract. 1750

(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. 1751  
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**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. 1754  
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(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 1760  
3748.04 of the Revised Code or the standards set forth in 10 1761  
C.F.R. 61.41, whichever are more stringent. The director shall  
establish a program to monitor concentrations of radioactive 1762  
materials so released and shall conduct an investigation if  
monitoring results indicate concentrations of radioactive 1763  
materials at levels that are greater than the established  
background for a monitoring point to determine the source of the 1764  
increased radiation level. 1765  
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(B) (1) An officer of an agency of the state or of a  
political subdivision, acting in the officer's representative  
capacity, or any person may file a written complaint with the  
director, in accordance with rules adopted under division ~~(K)~~(J) 1773  
of section 3748.04 of the Revised Code, regarding the failure or  
alleged failure of the facility for the disposal of low-level 1774  
radioactive waste to comply with health or safety requirements 1775  
established under this chapter or Chapter 3747. of the Revised 1776  
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Code or rules adopted under them. The complaint shall be 1781  
verified by an affidavit of the complainant or the complainant's 1782  
agent or attorney. The affidavit may be made before any person 1783  
authorized by law to administer oaths and shall be signed by the 1784  
officer or person who makes it. The person before whom it was 1785  
taken shall certify that it was sworn to before that person and 1786  
signed in that person's presence, and the certificate signed 1787  
officially by that person shall be evidence that the affidavit 1788  
was made, that the name of the officer or person was written by 1789  
that officer or person, and that the signer was that officer or 1790  
person. 1791

(2) Upon receipt of a complaint under division (B) (1) of 1792  
this section, the director shall cause a prompt investigation to 1793  
be conducted as is reasonably necessary to determine whether the 1794  
facility has failed or is failing to comply with the health or 1795  
safety requirements identified in the complaint. The 1796  
investigation shall include a discussion of the complaint with 1797  
the contractor. 1798

(3) The director may hold a hearing on the complaint. Not 1799  
less than twenty days before the hearing, the director shall 1800  
cause publication of a notice of the hearing in the county in 1801  
which the facility is located and shall mail written notice by 1802  
certified mail, return receipt requested, to the complainant and 1803  
to the contractor. The hearing shall be conducted before the 1804  
director or a hearing examiner designated by the director. The 1805  
department of health and the contractor shall be parties. The 1806  
complainant may participate as a party by filing with the 1807  
director, at any time prior to the hearing, a written notice of 1808  
the complainant's intent to participate. Any other person may be 1809  
permitted to intervene upon the granting by the director or 1810  
hearing examiner of a motion to intervene filed in accordance 1811

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  
3748.05 of the Revised Code requiring the contractor to bring  
the facility into compliance and to submit a written discussion  
of how that will be accomplished. The director also may do any  
or all of the following:

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

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

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

(C) If the director suspends or revokes the license of the

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facility for the disposal of low-level radioactive waste for any 1841  
reason in accordance with rules adopted under division (A) or 1842  
(B) of section 3748.04 of the Revised Code, the contractor shall 1843  
indemnify the state for any loss suffered by the state as a 1844  
result of the lack of disposal capacity for low-level 1845  
radioactive waste that otherwise would have been disposed of at 1846  
the facility. 1847

(D) The provisions of division (A) of this section 1848  
establishing requirements governing the director and divisions 1849  
(B) and (C) of this section apply only if the state becomes an 1850  
agreement state pursuant to section 3748.03 of the Revised Code. 1851

**Sec. 3773.31.** As used in sections 3773.31 to 3773.57 of 1852  
the Revised Code: 1853

(A) "Professional boxer" means a boxer who competes for a 1854  
prize, in cash or otherwise, that has a value of more than 1855  
twenty-five dollars. 1856

(B) "Amateur" means a contestant who does not compete for 1857  
a prize, in cash or otherwise, that has a value of more than 1858  
twenty-five dollars. 1859

(C) "Contestant" means a contestant in a public boxing 1860  
match or exhibition. 1861

(D) "Public boxing match or exhibition" means any public 1862  
or private competition that involves the sports of boxing, kick 1863  
boxing, karate, ~~tough man contests or tough guy contests~~, or any 1864  
other form of boxing or martial arts, but does not include 1865  
professional wrestling. 1866

(E) "Tough man contests or tough guy contests" means any 1867  
competition that involves any physical contact bout between two 1868  
or more individuals who attempt to knock out the opponent by 1869

using boxing, kicking, or choking techniques or martial arts tactics or any combination of such techniques and tactics.	1870
	1871
(F) "Public boxing or wrestling match or exhibition" means any public or private competition that involves the sports of boxing, kick boxing, karate, <del>tough man contests or tough guy contests</del> , professional wrestling, or any other form of boxing or martial arts.	1872
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(G) "Boxing match or exhibition" means a public or private competition pertaining to the sport of boxing.	1877
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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 the school, college, or university; to amateur boxers; or to boxing, karate, or wrestling matches and exhibitions in which all of the contestants are amateur boxers, amateur participants in a karate match or exhibition, or amateur wrestlers from an elementary or secondary school, a college, or a university.	1879
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<b>Sec. 3773.33.</b> (A) There is hereby created the Ohio athletic commission, which is a part of the department of commerce for administrative purposes. The director of commerce shall appoint an employee of the department as the administrator of athletics to act as executive officer of the commission. The administrator shall serve at the pleasure of the director.	1888
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The commission shall consist of five voting members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be of the same political party, and two nonvoting members, one of whom shall be a member of the senate appointed by and to serve at the pleasure	1894
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of the president of the senate and one of whom shall be a member 1899  
of the house of representatives appointed by and to serve at the 1900  
pleasure of the speaker of the house of representatives. To be 1901  
eligible for appointment as a voting member, a person shall be a 1902  
qualified elector and a resident of the state for not less than 1903  
five years immediately preceding the person's appointment. Two 1904  
voting members shall be knowledgeable in boxing and mixed 1905  
martial arts. One commission member shall hold the degree of 1906  
doctor of medicine or doctor of osteopathy. 1907

(B) No person shall be appointed to the commission or be 1908  
an employee of the commission who is licensed, registered, or 1909  
regulated by the commission. No member shall have any legal or 1910  
beneficial interest, direct or indirect, pecuniary or otherwise, 1911  
in any person who is licensed, registered, or regulated by the 1912  
commission or who participates in prize fights or public boxing 1913  
or wrestling matches or exhibitions. No member shall participate 1914  
in any fight, match, or exhibition other than in the member's 1915  
official capacity as a member of the commission, ~~or as an~~ 1916  
~~inspector as authorized in section 3773.52 of the Revised Code.~~ 1917

(C) The governor shall appoint the voting members to the 1918  
commission. Of the initial appointments, two shall be for terms 1919  
ending one year after September 3, 1996, two shall be for terms 1920  
ending two years after September 3, 1996, and one shall be for a 1921  
term ending three years after September 3, 1996. Thereafter, 1922  
terms of office shall be for three years, each term ending the 1923  
same day of the same month of the year as did the term which it 1924  
succeeds. Each member shall hold office from the date of the 1925  
member's appointment until the end of the term for which the 1926  
member was appointed. Any member appointed to fill a vacancy 1927  
occurring prior to the expiration of the term for which the 1928  
member's predecessor was appointed shall hold office for the 1929

remainder of the term. Any member shall continue in office 1930  
subsequent to the expiration date of the member's term until the 1931  
member's successor takes office. 1932

The governor shall name one voting member as chairperson 1933  
of the commission at the time of making the appointment of any 1934  
member for a full term. Three voting members shall constitute a 1935  
quorum, and the affirmative vote of the majority of voting 1936  
members shall be necessary for any action taken by the 1937  
commission. No vacancy on the commission impairs the authority 1938  
of the remaining members to exercise all powers of the 1939  
commission. 1940

Voting members, when engaged in commission duties, shall 1941  
receive a per diem compensation determined in accordance with 1942  
division (J) of section 124.15 of the Revised Code, and all 1943  
members shall receive their actual and necessary expenses 1944  
incurred in the performance of their official duties. 1945

Each voting member, before entering upon the discharge of 1946  
the member's duties, shall file a surety bond payable to the 1947  
treasurer of state in the sum of ten thousand dollars. Each 1948  
surety bond shall be conditioned upon the faithful performance 1949  
of the duties of the office, executed by a surety company 1950  
authorized to transact business in this state, and filed in the 1951  
office of the secretary of state. 1952

The governor may remove any voting member for malfeasance, 1953  
misfeasance, or nonfeasance in office after giving the member a 1954  
copy of the charges against the member and affording the member 1955  
an opportunity for a public hearing, at which the member may be 1956  
represented by counsel, upon not less than ten days' notice. If 1957  
the member is removed, the governor shall file a complete 1958  
statement of all charges made against the member and the 1959

governor's finding on the charges in the office of the secretary of state, together with a complete report of the proceedings. 1960  
The governor's decision shall be final. 1961  
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**Sec. 3773.34.** (A) The Ohio athletic commission shall adopt and may amend or rescind rules in accordance with Chapter 119. 1963  
of the Revised Code, prescribing the conditions under which 1964  
prize fights and public boxing or wrestling matches or 1965  
exhibitions may be conducted, classifying professional boxers by 1966  
weight, and providing for the administration of sections 3773.31 1967  
to 3773.57 of the Revised Code. The rules may require that an 1968  
applicant for a contestant's license to participate in a public 1969  
boxing match or exhibition take an HIV test, as defined in 1970  
section 3701.24 of the Revised Code, before being issued the 1971  
contestant's license and may require that a licensed contestant 1972  
take such an HIV test before participating in a public boxing 1973  
match or exhibition. The commission, or the ~~commission's~~ 1974  
~~executive director~~ administrator of athletics when authorized by 1975  
the commission, may issue, deny, suspend, or revoke permits to 1976  
hold prize fights and public boxing or wrestling matches or 1977  
exhibitions. The commission, or the administrator when 1978  
authorized by the commission, may issue, deny, suspend, or 1979  
revoke licenses to persons engaged in any public boxing match or 1980  
exhibition as authorized by sections 3773.31 to 3773.57 of the 1981  
Revised Code. 1982  
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(B) In addition to the duties set forth in this chapter, 1984  
the Ohio athletic commission and the administrator shall take 1985  
action as necessary to carry out the provisions of Chapter 4771. 1986  
of the Revised Code governing athlete agents. 1987

(C) On or before the thirty-first day of December of each 1988  
year, the commission shall make a report to the governor of its 1989

proceedings for the year ending on the first day of December of 1990  
that calendar year, and may include in the report any 1991  
recommendations pertaining to its duties. 1992

**Sec. 3773.341. (A) The Ohio athletic commission shall** 1993  
regulate tough man contests and tough guy contests as 1994  
competitions that involve mixed martial arts. 1995

(B) Any person who desires to participate in a tough man 1996  
contest or tough guy contest as a referee, judge, matchmaker, 1997  
timekeeper, manager, trainer, contestant, or second shall be 1998  
licensed in the same manner as a participant in a competition 1999  
that involves mixed martial arts. Neither the commission nor the 2000  
administrator of athletics shall require a separate license for 2001  
that purpose. 2002

(C) Any person who holds a promoter's license and who 2003  
wishes to conduct a tough man contest or tough guy contest 2004  
shall obtain a permit in the same manner as for any other 2005  
contest regulated by the commission. Neither the commission nor 2006  
the administrator shall require a separate permit for that 2007  
purpose. 2008

**Sec. 3773.35. Any person who wishes to conduct a public or** 2009  
private competition that involves boxing, wrestling, mixed 2010  
martial arts, kick boxing, ~~tough man contests, tough guy~~ 2011  
contests, or any other form of boxing or martial arts shall 2012  
apply to the Ohio athletic commission ~~administrator of athletics~~ 2013  
for a promoter's license. Each application shall be filed with 2014  
the ~~commission administrator~~ on forms provided by the 2015  
~~commission administrator~~, and shall be accompanied by an 2016  
application fee as prescribed in section 3773.43 of the Revised 2017  
Code and, with the exception of wrestling events, by a surety 2018  
bond of not less than -twenty thousand dollars conditioned for 2019

compliance with sections 3773.31 to 3773.57 of the Revised Code 2020  
and the rules of the Ohio athletic commission. 2021

The commission shall prescribe the form of the application 2022  
for the promoter's license. The application shall include the 2023  
name of the applicant, the post office address of the applicant, 2024  
and any other information the commission requires. 2025

**Sec. 3773.36.** (A) Upon the proper filing of an application 2026  
to conduct any public or private competition that involves 2027  
boxing, mixed martial arts, kick boxing, ~~tough man contests~~, 2028  
~~tough guy contests~~, or any other form of boxing or martial arts, 2029  
accompanied by the surety bond and the application fee, or upon 2030  
the proper filing of an application to conduct any public or 2031  
private competition that involves wrestling accompanied by the 2032  
application fee, the Ohio athletic commission administrator of 2033  
athletics shall issue a promoter's license to the applicant if 2034  
~~it~~the administrator finds that the applicant is not in default 2035  
on any payment, obligation, or debt payable to the state under 2036  
sections 3773.31 to 3773.57 of the Revised Code, is financially 2037  
responsible, and is knowledgeable in the proper conduct of such 2038  
matches or exhibitions. 2039

(B) Notwithstanding the requirements for a license under 2040  
division (A) of this section, the commission administrator shall 2041  
issue a promoter's license in accordance with Chapter 4796. of 2042  
the Revised Code to an applicant if either of the following 2043  
applies: 2044

- (1) The applicant holds a license in another state. 2045
- (2) The applicant has satisfactory work experience, a 2046  
government certification, or a private certification as 2047  
described in that chapter as a promoter in a state that does not 2048

issue that license. 2049

(C) Each license issued pursuant to this section shall 2050  
bear the name of the licensee, the post office address of the 2051  
licensee, the date of expiration, an identification number 2052  
designated by the commission administrator, and the seal of the 2053  
commission department of commerce. 2054

(D) A promoter's license shall expire twelve months after 2055  
its date of issuance and shall become invalid on that date 2056  
unless renewed. A promoter's license may be renewed upon 2057  
application to the commission administrator and upon payment of 2058  
the renewal fee prescribed in section 3773.43 of the Revised 2059  
Code. The commission administrator shall renew the license 2060  
unless ~~it~~the administrator denies the application for renewal 2061  
for one or more reasons stated in section 3123.47 or 3773.53 of 2062  
the Revised Code. 2063

**Sec. 3773.37.** The Ohio athletic commission administrator 2064  
of athletics shall cause a photograph with identification of any 2065  
person signing the application for a license under section 2066  
3773.35 or 3773.41 of the Revised Code to be taken in duplicate 2067  
and filed with the commission. For purposes of this section, 2068  
the commission administrator may allow a photograph with 2069  
identification to be a photocopy of a valid commercial driver's 2070  
license issued under Chapter 4506. or a driver's license issued 2071  
under Chapter 4507. of the Revised Code. 2072

**Sec. 3773.38.** Each person who holds a promoter's license 2073  
issued under section 3773.36 of the Revised Code who desires to 2074  
conduct a public boxing or wrestling match or exhibition where 2075  
one or more contests are to be held shall obtain a permit from 2076  
the Ohio athletic commission or the commission's executive 2077  
director administrator of athletics when the executive director 2078

administrator is authorized by the commission to issue those  
types of permits. Application for such a permit shall be made in  
writing and on forms prescribed by the commission, shall be  
filed with the commission or the administrator, and shall be  
accompanied by the permit fee prescribed in section 3773.43 of  
the Revised Code.

The application for a permit issued under this section  
shall include the date and starting time of the match or  
exhibition, the address of the place where the match or  
exhibition is to be held, the names of the contestants, the  
seating capacity of the building or hall where the exhibition is  
to be held, the admission charge or any other charges, the  
amount of compensation or the percentage of gate receipts to be  
paid to each contestant, the name and address of the applicant,  
a copy of the current official rules that govern the particular  
sport, and the serial number of the applicant's promoter's  
license.

The commission, or the commission's executive director  
administrator when authorized by the commission, may require the  
applicant to deposit with the commission or the administrator  
before a public boxing match or exhibition a cash bond,  
certified check, bank draft, or surety bond in an amount equal  
to five per cent of the estimated gross receipts from the match  
or exhibition.

**Sec. 3773.39.** (A) Upon receipt of an application for a  
permit to hold a public boxing or wrestling match or exhibition  
under section 3773.38 of the Revised Code, the Ohio athletic  
commission, or the commission's executive directoradministrator  
of athletics when authorized by the commission, shall determine  
if the applicant holds a valid promoter's license issued

pursuant to section 3773.36 of the Revised Code. Upon receipt of 2109  
an application for a permit to hold a public boxing match or 2110  
exhibition, the commission, or the ~~commission's executive~~ 2111  
~~director administrator~~ when authorized by the commission, also 2112  
shall determine if the contestants are evenly and fairly matched 2113  
according to skill, experience, and weight so as to produce a 2114  
fair and sportsmanlike contest, and whether the applicant is 2115  
financially responsible and is able to pay to each contestant 2116  
the compensation or percentage of the gate receipts named in the 2117  
application. The commission, or the ~~commission's executive~~ 2118  
~~director administrator~~ when authorized by the commission, may, 2119  
if applicable, require the applicant to deposit with it within 2120  
forty-eight hours before the match or exhibition the total 2121  
compensation or estimated portion of gate receipts to be paid 2122  
all contestants named in the application made under section 2123  
3773.38 of the Revised Code. 2124

(B) If the commission, or the ~~commission's executive~~ 2125  
~~director administrator~~ when authorized by the commission, 2126  
determines that the applicant has met all the requirements 2127  
specified in division (A) of this section, the commission or 2128  
~~executive director the administrator~~ shall issue the applicant a 2129  
permit to conduct the match or exhibition. If the applicant 2130  
fails to deposit any compensation or portion of gate receipts 2131  
required by the commission, or ~~executive director the~~ 2132  
~~administrator~~ before the first contest of the match or 2133  
exhibition is held, the commission, or the ~~commission's~~ 2134  
~~executive director administrator~~ when authorized by the 2135  
commission, may revoke the permit and order the applicant not to 2136  
conduct the match or exhibition described in the permit. 2137

(C) Each permit issued pursuant to this section shall bear 2138  
the name and post office address of the applicant, the address 2139

of the place where the public boxing or wrestling match or  
exhibition is to be held, the date and starting time of the  
match or exhibition, and a serial number designated by the  
commission or the administrator when authorized by the  
commission.

A permit issued under this section shall allow the permit  
holder to conduct only the match or exhibition named in the  
permit. A permit is not transferable.

**Sec. 3773.40.** No person who holds a promoter's license to  
conduct a public boxing match or exhibition under section  
3773.36 of the Revised Code shall:

(A) Hold any match or exhibition at any time or place  
other than that stated on a permit issued under section 3773.38  
of the Revised Code;

(B) Allow any contestant to participate in the match or  
exhibition unless the contestant is the licensed contestant  
named in the application for such permit or a licensed  
contestant authorized to compete as a substitute for such a  
contestant by the inspector assigned to the facility where the  
match or exhibition is held for that match or exhibition;

(C) Charge a higher admission price for a match or  
exhibition than that stated in the application;

(D) Pay a greater compensation or percentage of the gate  
receipts to any contestant than that stated in the application.

The Ohio athletic commission, or the ~~commission's~~  
~~executive director~~administrator of athletics when authorized by  
the commission, upon application by a holder of a permit under  
section 3773.38 of the Revised Code, may allow the permit holder  
to hold the match or exhibition for which the permit was issued

at an alternative site that is within the same municipal 2169  
corporation or township and that offers substantially similar 2170  
seating facilities, or allow the permit holder to substitute 2171  
contestants or seconds, provided that the substitute contestants 2172  
are evenly matched with their opponents in skill, experience, 2173  
and weight. 2174

**Sec. 3773.41.** Any person who desires to participate in a 2175  
public boxing match, mixed martial arts event, or any other 2176  
unarmed combat sport regulated by the Ohio athletic commission 2177  
as a referee, judge, matchmaker, timekeeper, or contestant, or 2178  
as a manager, trainer, or second of a contestant, shall apply 2179  
for a license from the Ohio athletic commission administrator of 2180  
athletics. The application shall be on forms provided by the 2181  
commission administrator. Each application shall be accompanied 2182  
by the application fee prescribed in section 3773.43 of the 2183  
Revised Code. The applicant shall verify the application under 2184  
oath. 2185

The commission shall prescribe the form of the application 2186  
for a participant's license. The application shall include the 2187  
correct and ring or assumed name, if any, of the applicant, the 2188  
applicant's address, the applicant's date and place of birth, 2189  
the applicant's occupation, and a copy of the applicant's win 2190  
and loss record as a contestant, if applicable. 2191

**Sec. 3773.42.** Upon the proper filing of an application for 2192  
a referee's, judge's, matchmaker's, timekeeper's, manager's, 2193  
trainer's, contestant's, or second's license and payment of the 2194  
applicable application fee, the Ohio athletic commission 2195  
administrator of athletics shall issue the license to the 2196  
applicant if it—the administrator determines that the applicant 2197  
is not likely to engage in acts detrimental to the fair and 2198

honest conduct of public boxing matches, mixed martial arts 2199  
events, or any other unarmed combat sports regulated by the Ohio 2200  
athletic commission and is qualified to hold such a license by 2201  
reason of the applicant's knowledge and experience. 2202

A person shall not be determined to possess the knowledge 2203  
and experience necessary to qualify that person to hold a 2204  
referee's license unless all of the following conditions are 2205  
met: 2206

(A) The person has completed such referee training 2207  
requirements as the commission prescribes by rule. 2208

(B) The person possesses such experience requirements as 2209  
the commission prescribes by rule. 2210

The commission-administrator shall issue a referee's 2211  
license to each person who meets the requirements of divisions 2212  
(A) and (B) of this section. 2213

If upon the proper filing of an application for a 2214  
contestant's license the commission-administrator determines 2215  
that the applicant is not likely to engage in acts detrimental 2216  
to the conduct of public boxing matches, mixed martial arts 2217  
events, or any other unarmed combat sports regulated by the 2218  
commission and possesses sufficient knowledge and experience, 2219  
the commission-administrator shall issue the license to the 2220  
applicant. 2221

Each license issued pursuant to this section shall bear 2222  
the correct name, or assumed name, if any, of the licensee, the 2223  
address of the licensee, the date of issue, and a number 2224  
designated by the commissionadministrator. 2225

A license issued pursuant to this section shall expire 2226  
twelve months after its date of issue unless renewed. Upon 2227

application for renewal and payment of the renewal fee 2228  
prescribed in section 3773.43 of the Revised Code, the 2229  
~~commission~~administrator shall renew the license unless ~~it~~the 2230  
~~administrator~~ denies the application for one or more reasons 2231  
stated in section 3123.47 or 3773.53 of the Revised Code. 2232

**Sec. 3773.421.** The ~~Ohio athletic commission~~administrator 2233  
of athletics shall issue a referee's, judge's, matchmaker's, 2234  
timekeeper's, manager's, trainer's, contestant's, or second's 2235  
license in accordance with Chapter 4796. of the Revised Code to 2236  
an applicant if either of the following applies: 2237

(A) The applicant holds a license in another state. 2238  
  
(B) The applicant has satisfactory work experience, a 2239  
government certification, or a private certification as 2240  
described in that chapter as a referee, judge, matchmaker, 2241  
timekeeper, manager, trainer, contestant, or second in a state 2242  
that does not issue that license. 2243

**Sec. 3773.43.** The Ohio athletic commission and the 2244  
administrator of athletics shall charge the following fees: 2245

(A) For an application for or renewal of a promoter's 2246  
license for a public or private competition that involves 2247  
boxing, mixed martial arts, kick boxing, ~~tough man contests,~~ 2248  
~~tough guy contests~~, or any other form of boxing or martial arts, 2249  
one hundred dollars. 2250

(B) For an application for or renewal of a license to 2251  
participate in a public boxing match or exhibition as a 2252  
contestant, or as a referee, judge, matchmaker, manager, 2253  
timekeeper, trainer, or second of a contestant, twenty dollars. 2254

(C) For a permit to conduct a public boxing match or 2255  
exhibition, fifty dollars. 2256

(D) For an application for or renewal of a promoter's  
license for a public or private competition that involves  
wrestling, two hundred dollars. 2257  
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(E) For a permit to conduct a professional wrestling match  
or exhibition, one hundred dollars. 2260  
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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. 2262  
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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. 2266  
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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: 2269  
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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 2272  
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(2) Require the reporting of each examination to the  
commission administrator of athletics. 2281  
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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 2283  
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of at least one minute, during which no boxing or sparring takes 2286  
place, shall occur between rounds. 2287

No holder of a promoter's license or a permit issued under 2288  
section 3773.39 of the Revised Code shall allow a professional 2289  
boxer to participate in more than twelve rounds of boxing within 2290  
a period of seventy-two consecutive hours. For any match or 2291  
exhibition or for a class of contestants, the commission may 2292  
limit the number of rounds within the maximum of twelve rounds. 2293

(C) No person shall conduct a boxing match or exhibition 2294  
unless a licensed referee appointed by the ~~commission~~ 2295  
~~administrator~~ and paid by the person is present. The referee 2296  
shall direct and control the match or exhibition. Before each 2297  
match or exhibition the referee shall obtain from each 2298  
contestant the name of the contestant's chief second and shall 2299  
hold the chief second responsible for the conduct of any 2300  
assistant seconds during the match or exhibition. The referee 2301  
may declare a prize, remuneration, or purse or any part thereof 2302  
to which a contestant is otherwise entitled withheld if, in the 2303  
referee's judgment, the contestant is not competing or did not 2304  
compete honestly. A contestant may appeal the referee's decision 2305  
in a hearing before the commission conducted in accordance with 2306  
section 3773.52 of the Revised Code. 2307

(D) No person shall hold or conduct a boxing match or 2308  
exhibition unless three licensed judges appointed by the 2309  
~~commission~~~~administrator~~ and paid by the person are present. 2310  
Each judge shall render a decision at the end of each match or 2311  
exhibition. The judges shall determine the outcome of the match 2312  
or exhibition, and their decision shall be final. 2313

(E) Each contestant in a boxing match or exhibition shall 2314  
wear gloves weighing not less than six ounces during the boxing 2315

match or exhibition. 2316

**Sec. 3773.51.** The ~~Ohio athletic commission~~ director of commerce shall appoint from among licensed referees, physicians, timekeepers, and judges the officials for public boxing matches and exhibitions held under sections 3773.31 to 3773.57 of the Revised Code. These officials shall be employed by the ~~commission~~ director as provided in section 3773.56 of the Revised Code and shall be paid by the person conducting the match or exhibition. 2324

**Sec. 3773.52.** The ~~Ohio athletic commission~~ director of commerce shall employ inspectors to attend each public boxing match or exhibition held under a permit issued under section 3773.38 of the Revised Code. Only one inspector shall be assigned to any one facility for any one match or exhibition. Any member of the commission may act as an inspector, and when acting as an inspector shall be paid as provided in this section. 2332

The inspector shall monitor the sale of tickets from the premises box office on the day of the match or exhibition and, immediately following the counting of the gross proceeds, obtain a box office statement from the person conducting the match or exhibition and mail it to the ~~commission~~ administrator of athletics. The inspector shall have complete access to any books, records, and papers pertaining to the match or exhibition. 2340

The inspector shall give bond in the sum of five thousand dollars with sufficient sureties to be approved by and made payable to the treasurer of state. The bond shall be filed with the secretary of state. The compensation of such inspector for attending a match or exhibition, and the inspector's actual and 2345

necessary travel expenses, shall be charged to the holder of the  
permit at whose facility the inspector serves. The inspector  
shall be paid a salary fixed in accordance with Chapter 124. of  
the Revised Code.

The inspector may order a prize, remuneration, purse, or  
any part thereof withheld from a contestant if the inspector  
believes the contestant did not compete to the best of the  
contestant's ability. The inspector shall file any charges with  
the commission which shall hold an adjudication under Chapter  
119. of the Revised Code and issue a final order within thirty  
days after the inspector files charges.

If the commission finds that the contestant did not  
compete to the best of the contestant's ability, it, or the  
administrator when authorized by the commission, may revoke the  
contestant's license. When a license is so revoked, any prize,  
remuneration, purse, or part thereof that the contestant  
otherwise would have received shall be paid to the commission  
and shall become the property of the state.

**Sec. 3773.53. TheOn receiving a complaint of a violation**  
of sections 3773.31 to 3773.57 of the Revised Code or a rule  
adopted by the Ohio athletic commission, the commission shall  
conduct an investigation of the complaint. If the commission  
finds reasonable cause to believe a violation occurred, the  
commission shall conduct a hearing in accordance with Chapter  
119. of the Revised Code to determine if a violation occurred.  
If the commission finds a violation occurred, the commission may  
revoke, or suspend, or and the administrator of athletics may  
refuse to renew, any license issued under sections 3773.31 to  
3773.57 of the Revised Code in accordance with Chapter 119. of  
the Revised Code if the licensee:

(A) Has committed an act detrimental to any sport regulated by this chapter or to the public interest, convenience, or necessity;	2376 2377 2378
(B) Is associating or consorting with any person who has been convicted of a crime involving the sports regulated by the commission, including a conviction under <del>sections</del> <u>section</u> 2913.02, 2915.05, or 2921.02 of the Revised Code;	2379 2380 2381 2382
(C) Is or has been consorting with bookmakers or gamblers, or has engaged in similar pursuits;	2383 2384
(D) Is financially irresponsible;	2385
(E) Has been found guilty of any fraud or misrepresentation in connection with any sport regulated by this chapter;	2386 2387 2388
(F) Has violated any law with respect to any sport regulated by this chapter or any rule or order of the commission;	2389 2390 2391
(G) Has been convicted of or pleaded guilty to a violation of <del>sections</del> <u>section</u> 2913.02, 2915.05, or 2921.02 of the Revised Code;	2392 2393 2394
(H) Has engaged in any other activity that the commission determines is detrimental to any sport regulated by this chapter;	2395 2396 2397
(I) Has otherwise violated sections 3773.31 to 3773.57 of the Revised Code or any rules adopted under those sections.	2398 2399
The commission, <u>in accordance with Chapter 119. of the</u> <u>Revised Code and in addition to any other action it may take</u> under this chapter, may impose a fine in an amount to be determined by rule of the commission adopted under Chapter 119.	2400 2401 2402 2403

of the Revised Code against any person licensed under sections 2404  
3773.31 to 3773.57 of the Revised Code for a violation of any of 2405  
these sections or a violation of any rule or order of the 2406  
commission. The amount of fines collected shall be deposited 2407  
into the general revenue fund. 2408

**Sec. 3773.54.** No person who conducts a public boxing match 2409  
or exhibition to which sections 3773.31 to 3773.57 of the 2410  
Revised Code apply shall fail to mail to the ~~Ohio athletic~~ 2411  
~~commission administrator of athletics~~ a written report that 2412  
shows the number of tickets sold for the match or exhibition and 2413  
the amount of gross proceeds within twenty-four hours after the 2414  
determination of the outcome of the match or exhibition. The 2415  
person shall pay to the ~~commission administrator~~ a tax of five 2416  
per cent of the gross proceeds from the sale of tickets to the 2417  
match or exhibition. The Ohio athletic commission shall adopt 2418  
rules concerning the time of payment of such taxes. Such taxes 2419  
shall be levied for the purpose of providing revenue with which 2420  
the state may regulate boxing, kick boxing, karate, ~~tough man~~ 2421  
~~contests or tough guy contests,~~ wrestling, and any other form of 2422  
boxing or martial arts. 2423

The ~~commission administrator~~, before granting a promoter's 2424  
license under section 3773.36 of the Revised Code to any person 2425  
other than a promoter of professional wrestling, shall obtain 2426  
from the applicant a bond in the sum of not less than one 2427  
thousand dollars, to be approved in form and sufficiency of its 2428  
sureties by the treasurer of state. The bond shall be payable to 2429  
the treasurer of state and shall be conditioned for the payment 2430  
of the tax imposed by this section. Upon the filing and approval 2431  
of the bond, the treasurer of state shall issue to the applicant 2432  
two copies of a certificate verifying the filing and approval. 2433  
The applicant shall file one copy in the office of the 2434

~~commission administrator~~ with the license application. No 2435  
license shall be issued until the certificate is filed. 2436

**Sec. 3773.55.** If any person fails to make a report 2437  
relating to a public boxing match or exhibition that is required 2438  
under sections 3773.31 to 3773.57 of the Revised Code, or files 2439  
a report under section 3773.54 of the Revised Code that the ~~Ohio~~ 2440  
~~athletic commission administrator of athletics~~ finds 2441  
unsatisfactory, the ~~commission administrator~~ may examine or 2442  
cause to be examined the books and records of such person. The 2443  
~~commission administrator~~ may also subpoena and examine under 2444  
oath any persons to determine the amount of gross proceeds for a 2445  
match or exhibition and the amount of tax due. 2446

If a person who conducts a public boxing match or 2447  
exhibition under sections 3773.31 to 3773.57 of the Revised Code 2448  
does not pay the tax due on or before the date prescribed by the 2449  
~~commission administrator~~, the person shall pay interest on the 2450  
amount of tax due at a rate of five per cent per month, up to a 2451  
maximum of twenty-five per cent. The ~~commission administrator~~ 2452  
shall send a notice of delinquency to such a taxpayer. A 2453  
delinquent taxpayer may be disqualified from receiving a new 2454  
license. Any delinquent taxpayer who does not pay the tax due 2455  
and the interest on it within twenty days after the notice of 2456  
delinquency was mailed is in default on such taxes and interest. 2457  
Any expenses incurred by the ~~commission administrator~~ in making 2458  
examinations of the books and records of a taxpayer who is in 2459  
default on such taxes and interest for a period of twenty days 2460  
after the default occurred shall be paid by the taxpayer. The 2461  
attorney general shall institute suit upon the bond filed 2462  
pursuant to section 3773.35 of the Revised Code by a person who 2463  
has defaulted on such taxes, interest, and expenses in order to 2464  
recover such taxes, interest, and expenses. 2465

**Sec. 3773.56.** The Ohio athletic commission director of commerce may appoint an executive director and employ such persons as are necessary to administer sections 3773.31 to 3773.57 and Chapter 4771. of the Revised Code and fix their compensation. Such executive director and employees shall serve in the unclassified status and at the pleasure of the commission director. 2466  
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All receipts received by the Ohio athletic commission or the administrator of athletics under sections 3773.31 to 3773.57 of the Revised Code shall be deposited in the occupational licensing and regulatory fund. All vouchers of the commission shall be approved by the chairperson of the commission. 2473  
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**Sec. 3773.57.** The Ohio athletic commission and the commission's executive director administrator of athletics shall not issue a license or permit to conduct public boxing or wrestling matches or exhibitions in a municipal corporation or the unincorporated portion of a township if the commission or the commission's executive director administrator determines that the legislative authority of the municipal corporation or board of township trustees has in effect an ordinance or resolution prohibiting such matches or exhibitions. 2478  
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**Sec. 3773.59.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the Ohio athletic commission and the administrator of athletics shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 2487  
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**Sec. 3776.05.** (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the 2493  
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director of health on a form prescribed by the director. Along 2496  
with the application, the person shall submit the application 2497  
fee prescribed in rules adopted under this chapter. 2498

(B) The director shall register an applicant as an 2499  
environmental health specialist if the applicant complies with 2500  
the examination requirements specified under section 3776.06 of 2501  
the Revised Code and meets any of the following education and 2502  
employment requirements: 2503

(1) Graduated from an accredited college or university 2504  
with at least a baccalaureate degree, including at least forty- 2505  
five quarter units or thirty semester units of science courses, 2506  
including courses in life sciences, natural sciences, physical 2507  
sciences, health sciences, or public health sciences approved by 2508  
~~the director;~~ and completed at least ~~two years~~one year of full- 2509  
time employment as an environmental health specialist; 2510

(2) Graduated from an accredited college or university 2511  
with at least a baccalaureate degree, completed a major in 2512  
environmental health science which included an internship 2513  
program approved by the director; and completed at least ~~one-~~ 2514  
~~year~~six months of full-time employment as an environmental 2515  
health specialist; 2516

(3) Graduated from an accredited college or university 2517  
with a degree higher than a baccalaureate degree, including at 2518  
least forty-five quarter units or thirty semester units of 2519  
science courses, including courses in life sciences, natural 2520  
sciences, physical sciences, health sciences, or public health 2521  
~~sciences approved by the director;~~ and completed at least one 2522  
year of full-time employment as an environmental health 2523  
specialist. 2524

(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 requirement of any such division. 2525  
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(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within ~~four~~five years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the ~~four-year~~five-year period. However, the director shall not extend the registration more than an additional two years beyond the ~~four-year~~five-year period. 2530  
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**Sec. 4730.10.** (A) Except as provided in division (C) of this section, an individual seeking a license to practice as a physician 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 of the following: 2540  
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(1) The applicant's name, residential address, business address, if any, and social security number; 2545  
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(2) Satisfactory proof that the applicant meets the age requirement specified in division (A) (1) of section 4730.11 of the Revised Code; 2547  
2548  
2549

(3) Satisfactory proof that the applicant meets either the educational requirements specified in division (B) (1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C) (1), (2), or 2550  
2551  
2552  
2553

(3) of that section; 2554

(4) Any other information the board requires. 2555

(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of ~~four-one~~ 2556  
hundred fifty dollars, no part of which shall be returned. The 2557  
fees shall be deposited in accordance with section 4731.24 of 2558  
the Revised Code. 2559

(C) The board shall issue a license to practice as a 2560  
physician assistant in accordance with Chapter 4796. of the 2561  
Revised Code to an applicant if either of the following applies: 2562

(1) The applicant holds a license in another state. 2563

(2) The applicant has satisfactory work experience, a 2564  
government certification, or a private certification as 2565  
described in that chapter as a physician assistant in a state 2566  
that does not issue that license. 2567

**Sec. 4730.14.** (A) A license to practice as a physician 2568  
assistant shall be valid for a two-year period unless revoked or 2569  
suspended, shall expire on the date that is two years after the 2570  
date of issuance, and may be renewed for additional two-year 2571  
periods in accordance with this section. A person seeking to 2572  
renew a license shall apply to the state medical board for 2573  
renewal prior to the license's expiration date. The board shall 2574  
provide renewal notices to license holders at least one month 2575  
prior to the expiration date. 2576

Applications shall be submitted to the board in a manner 2577  
prescribed by the board. Each application shall be accompanied 2578  
by a biennial renewal fee of ~~two-one~~ hundred fifty dollars. The 2579  
board shall deposit the fees in accordance with section 4731.24 2580  
of the Revised Code. 2581

The applicant shall report any criminal offense that 2583  
constitutes grounds for refusing to issue a license to practice 2584  
under section 4730.25 of the Revised Code to which the applicant 2585  
has pleaded guilty, of which the applicant has been found 2586  
guilty, or for which the applicant has been found eligible for 2587  
intervention in lieu of conviction, since last signing an 2588  
application for a license to practice as a physician assistant. 2589

(B) To be eligible for renewal of a license, an applicant 2590  
is subject to all of the following: 2591

(1) The applicant must certify to the board that the 2592  
applicant has maintained certification by the national 2593  
commission on certification of physician assistants or a 2594  
successor organization that is recognized by the board by 2595  
meeting the standards to hold current certification from the 2596  
commission or its successor, including passing periodic 2597  
recertification examinations; 2598

(2) Except as provided in section 5903.12 of the Revised 2599  
Code, the applicant must certify to the board that the applicant 2600  
is in compliance with the continuing medical education 2601  
requirements necessary to hold current certification from the 2602  
commission or its successor. 2603

(3) The applicant must comply with the renewal eligibility 2604  
requirements established under section 4730.49 of the Revised 2605  
Code that pertain to the applicant. 2606

(C) If an applicant submits a complete renewal application 2607  
and qualifies for renewal pursuant to division (B) of this 2608  
section, the board shall issue to the applicant a renewed 2609  
license to practice as a physician assistant. 2610

(D) The board may require a random sample of physician 2611

assistants to submit materials documenting both of the	2612
following:	2613
(1) Certification by the national commission on	2614
certification of physician assistants or a successor	2615
organization that is recognized by the board;	2616
(2) Completion of the continuing medical education	2617
required to hold current certification from the commission or	2618
its successor.	2619
Division (D) of this section does not limit the board's	2620
authority to conduct investigations pursuant to section 4730.25	2621
of the Revised Code.	2622
(E) A license to practice that is not renewed on or before	2623
its expiration date is automatically suspended on its expiration	2624
date. Continued practice after suspension of the license shall	2625
be considered as practicing in violation of division (A) of	2626
section 4730.02 of the Revised Code.	2627
(F) If a license has been suspended pursuant to division	2628
(E) of this section for two years or less, it may be reinstated.	2629
The board shall reinstate a license suspended for failure to	2630
renew upon an applicant's submission of a renewal application,	2631
the biennial renewal fee, and any applicable monetary penalty.	2632
If a license has been suspended pursuant to division (E)	2633
of this section for more than two years, it may be restored. In	2634
accordance with section 4730.28 of the Revised Code, the board	2635
may restore a license suspended for failure to renew upon an	2636
applicant's submission of a restoration application, the	2637
biennial renewal fee, and any applicable monetary penalty and	2638
compliance with sections 4776.01 to 4776.04 of the Revised Code.	2639
The board shall not restore to an applicant a license to	2640

practice as a physician assistant 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 4730.12 of the Revised Code. 2641  
2642  
2643  
2644

The penalty for reinstatement shall be fifty dollars and 2645  
the penalty for restoration shall be one hundred dollars. The 2646  
board shall deposit penalties in accordance with section 4731.24 2647  
of the Revised Code. 2648

(G) (1) If, through a random sample conducted under 2649  
division (D) of this section or through any other means, the 2650  
board finds that an individual who certified completion of the 2651  
continuing medical education required to renew, reinstate, 2652  
restore, or reactivate a license to practice did not complete 2653  
the requisite continuing medical education, the board may do 2654  
either of the following: 2655

(a) Take disciplinary action against the individual under 2656  
section 4730.25 of the Revised Code, impose a civil penalty, or 2657  
both; 2658

(b) Permit the individual to agree in writing to complete 2659  
the continuing medical education and pay a civil penalty. 2660

(2) The board's finding in any disciplinary action taken 2661  
under division (G) (1) (a) of this section shall be made pursuant 2662  
to an adjudication under Chapter 119. of the Revised Code and by 2663  
an affirmative vote of not fewer than six of its members. 2664

(3) A civil penalty imposed under division (G) (1) (a) of 2665  
this section or paid under division (G) (1) (b) of this section 2666  
shall be in an amount specified by the board of not more than 2667  
five thousand dollars. The board shall deposit civil penalties 2668  
in accordance with section 4731.24 of the Revised Code. 2669

**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. 2670  
2671  
2672  
2673  
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2675

(B) An applicant for a special activity certificate shall submit evidence satisfactory to the board of all of the following: 2676  
2677  
2678

(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: 2679  
2680  
2681  
2682  
2683

(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States; 2684  
2685

(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; 2686  
2687  
2688  
2689

(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. 2690  
2691  
2692  
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(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09 and 4731.14 of 2697  
2698

the Revised Code. 2699

(3) The applicant's practice in conjunction with the 2700  
special activity, program, or event will be in the public 2701  
interest. 2702

(C) The applicant shall pay a fee of one hundred twenty- 2703  
five-seventy-five dollars, but only if the applicant expects to 2704  
be compensated for practicing medicine and surgery or 2705  
osteopathic medicine and surgery in conjunction with the special 2706  
activity, event, or program for which a certificate may be 2707  
issued. 2708

(D) The holder of a special activity certificate may 2709  
practice medicine and surgery or osteopathic medicine and 2710  
surgery only in conjunction with the special activity, event, or 2711  
program for which the certificate is issued. The board may 2712  
revoke a certificate on receiving proof satisfactory to the 2713  
board that the holder of the certificate has engaged in practice 2714  
in this state outside the scope of the certificate or that there 2715  
are grounds for action against the certificate holder under 2716  
section 4731.22 of the Revised Code. 2717

(E) AEach special activity certificate is valid for the 2718  
shorter of thirty days or the duration of the special activity, 2719  
program, or event for which it was issued. TheA special 2720  
activity certificate may not be renewed. 2721

(F) The board shall not require a personan individual 2722  
holding a special activity certificate issued under this section 2723  
to obtain a certificate under Chapter 4796. of the Revised Code. 2724

(G) The state medical board shall adopt rules in 2725  
accordance with Chapter 119. of the Revised Code that specify 2726  
how often an applicant may be granted a certificate under this 2727

sectionAn individual may apply for a special activity 2728  
certificate under this section not more than twelve times within a 2729  
consecutive two-year period. 2730

**Sec. 4759.08.** (A) The state medical board shall charge and 2731  
collect fees as described in this section for issuing the 2732  
following: 2733

(1) An application for an initial dietitian license, or 2734  
renewal of the license, two hundred twenty-five ninety-five 2735  
dollars; 2736

(2) License renewal, one hundred eighty dollars; 2737

~~(3) A~~ An application for a limited permit, or renewal of 2738  
the permit, sixty-five fifty dollars; 2739

~~(4)~~ (3) A duplicate license or permit, thirty-five dollars; 2740

~~(5)~~ (4) In the case of a person holding a license issued 2741  
under this chapter, a license verification fee of fifty dollars. 2742

(B) All receipts of the board shall be deposited in the 2743  
state treasury to the credit of the state medical board 2744  
operating fund in accordance with section 4731.24 of the Revised 2745  
Code. 2746

**Sec. 4764.05.** (A) The Ohio home inspector board shall 2747  
adopt rules in accordance with Chapter 119. of the Revised Code 2748  
to do all of the following: 2749

(1) Establish standards to govern the issuance, renewal, 2750  
suspension, and revocation of licenses, other sanctions that may 2751  
be imposed for violations of this chapter, the conduct of 2752  
hearings related to these actions, and the process of 2753  
reactivating a license; 2754

(2) Establish the amount of the following fees:	2755
(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter:	2756
(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred-fifty dollars;	2759
(ii) The fee for renewal of a license under section 4764.09 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred-fifty dollars.	2764
(b) The renewal late fee described in division (B) (2) of section 4764.09 of the Revised Code;	2769
(c) The fee an institution or organization described in division (A) (7) of this section shall pay to receive approval to offer continuing education courses and programs;	2771
(d) The fee an institution or organization that is approved to offer continuing education courses and programs shall pay for each course or program that the institution or organization wishes to have the superintendent approve pursuant to the rules adopted by the board under division (A) (8) of this section;	2774
(e) Any other fees as required by this chapter.	2780
(3) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a	2781
	2782

curriculum of education a person must successfully complete to obtain a license under this chapter;	2783 2784
(4) In accordance with division (D) of this section, specify methods and procedures the board shall use to approve a curriculum of experience that a person may elect to complete the proof of experience requirement specified in division (D) (6) of section 4764.07 of the Revised Code;	2785 2786 2787 2788 2789
(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D) (6) of section 4764.07 of the Revised Code, as applicable;	2790 2791 2792 2793 2794
(6) Establish a curriculum for continuing education that a licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices;	2795 2796 2797 2798 2799 2800
(7) Establish requirements an institution or organization shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution or organization that satisfies the requirements the board establishes;	2801 2802 2803 2804 2805 2806 2807 2808
(8) Establish procedures and standards that the superintendent shall use to approve courses and programs, including online courses and programs, offered by an institution	2809 2810 2811

or organization that is approved by the superintendent to offer	2812
continuing education courses or programs pursuant to the rules	2813
adopted by the board under division (A) (7) of this section;	2814
(9) Establish reporting requirements for a licensed home	2815
inspector to follow to demonstrate that the licensed home	2816
inspector successfully completed the continuing education	2817
requirements specified in section 4764.08 of the Revised Code;	2818
(10) Establish requirements for conducting home	2819
inspections, standards of practice for home inspectors, and	2820
conflict of interest prohibitions to the extent that those	2821
provisions do not conflict with divisions (A) (2) to (5) of	2822
section 4764.14 of the Revised Code;	2823
(11) Specify requirements for settlement agreements	2824
entered into between the superintendent and a licensed home	2825
inspector under division (C) of section 4764.13 of the Revised	2826
Code;	2827
(12) Establish procedures for providing licensees with	2828
notice and applications for renewal under section 4764.09 of the	2829
Revised Code;	2830
(13) Establish a set of standards of practice and canons	2831
of ethics for the home inspection industry;	2832
(14) Establish directions for the superintendent of real	2833
estate and professional licensing to follow regarding the	2834
scheduling, instruction, and offerings of home inspection	2835
courses a person must successfully complete to obtain a license	2836
issued under this chapter;	2837
(15) Establish requirements a licensed home inspector	2838
shall satisfy to obtain approval to prepare and conduct peer	2839
review sessions.	2840

(B) The board shall do all of the following:	2841
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	2842 2843 2844 2845
(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;	2846 2847 2848
(3) Disseminate to licensees and the public information relative to board activities and decisions;	2849 2850
(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.	2851 2852 2853 2854
(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:	2855 2856 2857 2858
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.	2859 2860 2861 2862
(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least eighty hours of classroom or online prelicensing instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.	2863 2864 2865 2866 2867 2868

(3) The curriculum satisfies any other requirements the 2869  
board established in rules it adopts. 2870

(D) The board shall determine the equivalency of field 2871  
experience that a person may elect to complete to satisfy the 2872  
proof of experience requirement specified in division (D)(6) of 2873  
section 4764.07 of the Revised Code. The board shall approve 2874  
only a curriculum of experience that includes a requirement that 2875  
a person, to successfully complete the curriculum, must perform 2876  
at least forty hours of work in the home inspection field that 2877  
allows the person to obtain practical experience or training 2878  
regarding home inspections. The board shall approve only a 2879  
curriculum of experience that includes a requirement that a 2880  
person, to successfully complete the curriculum, must complete a 2881  
peer review session with a licensed home inspector approved by 2882  
the board before applying for a license. The peer review session 2883  
may be used as part of the required eighty hours of prelicensing 2884  
education. 2885

**Sec. 4764.08.** During each three-year period that a license 2886  
is valid, a licensed home inspector shall successfully complete 2887  
not less than fourteenfortytwo hours of continuing education 2888  
instruction annuallyduring the three-year licensing period in 2889  
courses or programs directly applicable to the standards of 2890  
practice and requirements specified in rules adopted by the Ohio 2891  
home inspector board pursuant to division (A)(10) of section 2892  
4764.05 of the Revised Code. 2893

The superintendent of real estate and professional 2894  
licensing shall accept only those courses and programs the 2895  
superintendent approves in accordance with division (A)(8) of 2896  
section 4764.06 of the Revised Code prior to the date the 2897  
licensed home inspector completes the course or program. The 2898

superintendent shall not include parallel inspections completed  
by a person for credit toward satisfying the continuing  
education requirements specified in this section. 2899  
2900  
2901

**Sec. 4771.02.** (A) No athlete agent shall enter into an  
agent contract with an athlete unless the agent complies with  
all of the following agent contract requirements: 2902  
2903  
2904

(1) The agent contract is in writing on a form approved by  
the Ohio athletic commission and includes all agreements between  
the parties. 2905  
2906  
2907

(2) The agent contract includes in boldface, twelve-point  
type, on the initial page of the agent contract, the following  
language: 2908  
2909  
2910

"The athlete agent entering this agreement is registered  
to serve as an athlete agent ~~with the Ohio athletic~~  
~~commission under Chapter 4771. of the Revised Code.~~ Registration  
of an athlete agent under ~~Chapter 4771. of the Revised Code that~~  
~~chapter~~ does not imply approval by the commission of the terms  
and conditions of this contract or the competence of the athlete  
agent." 2911  
2912  
2913  
2914  
2915  
2916  
2917

(3) The agent contract includes the following language in  
boldface, twelve-point type, near the space provided for an  
athlete to sign or otherwise acknowledge agreement to the terms  
of the contract: 2918  
2919  
2920  
2921

"Warning to the student athlete: when you sign this  
contract, you may immediately lose your eligibility to compete  
in any amateur or intercollegiate athletics. Accordingly, you  
must give written notice that you have entered into this  
contract to the athletic director or person of similar position  
at the educational institution or institution of higher 2922  
2923  
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education in which you are enrolled, or to which you have 2928  
formally acknowledged your plans to attend, prior to the earlier 2929  
of participating in or practicing for an officially sanctioned 2930  
athletic competition or intercollegiate athletic event, or 2931  
seventy-two hours after entering into this contract. 2932

Do not sign this contract until you have read it and 2933  
filled in any blank spaces. Under Ohio law, as a student athlete 2934  
signing this contract, you have the right to rescind this 2935  
contract for a period of up to ten days after the latest of the 2936  
following occurrences: 2937

- (a) The date the contract is signed; 2938
- (b) The date the athletic director or person of similar 2939  
position at the educational institution or institution of higher 2940  
education in which you are enrolled, or have acknowledged plans 2941  
to attend, receives notice of this contract; or 2942
- (c) The last date you participate in an officially 2943  
sanctioned athletic competition or intercollegiate athletic 2944  
event if no notice of this contract is provided to the athletic 2945  
director or person of similar position. 2946

Despite cancellation of this contract, the educational 2947  
institution, institution of higher education, or intercollegiate 2948  
athletic association or conference to which your institution of 2949  
higher education belongs may not restore your eligibility to 2950  
participate in amateur or intercollegiate athletics. If you sign 2951  
this contract prior to the last officially sanctioned athletic 2952  
competition or intercollegiate athletic event you participate in 2953  
and fail to notify your institution of this contract, your 2954  
athletic team may be required to forfeit all games in which you 2955  
participated after signing. Such action also may cause your 2956

athletic team to be declared ineligible for post-season play." 2957

(4) The athlete agent agrees in the agent contract to 2958  
provide written notice of the agent contract to the athletic 2959  
director or person of similar position at the educational 2960  
institution or institution of higher education in which the 2961  
athlete is enrolled prior to the earlier of the time the athlete 2962  
next participates in or practices for an officially sanctioned 2963  
athletic competition or intercollegiate athletic event after 2964  
entering that agent contract, or seventy-two hours after 2965  
entering that agent contract. 2966

(5) All terms and conditions contained in the agent 2967  
contract comply with state and federal law. 2968

(B) A provision in an agent contract that provides for the 2969  
resolution of any controversy in connection with the contract by 2970  
arbitration is void and unenforceable unless both of the 2971  
following apply: 2972

(1) The provision is contained in an agent contract 2973  
between an athlete agent and an athlete for whom the athlete 2974  
agent undertakes to secure employment. 2975

(2) The provision is included in the agent contract 2976  
pursuant to a rule, regulation, or contract of a bona fide labor 2977  
union or organization that regulates the relations of its 2978  
members with athlete agents. 2979

(C) An athlete and athlete agent who enter an agent 2980  
contract each shall provide written notice of that agent 2981  
contract to the athletic director or person of similar position 2982  
at the educational institution or institution of higher 2983  
education in which the athlete is enrolled prior to the earlier 2984  
of the time the athlete next participates in or practices for an 2985

officially sanctioned athletic competition or intercollegiate athletic event after entering that agent contract, or seventy-two hours after entering that agent contract. 2986  
2987  
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**Sec. 4771.05.** (A) The Ohio athletic commission, established administrator of athletics, appointed under section 3773.33 of the Revised Code, shall do all of the following: 2989  
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2991

(A)(1) Review the application form of an applicant for registration as an athlete agent; 2992  
2993

(B)(2) Issue and renew biennial certificates of registration for an athlete agent pursuant to this chapter; 2994  
2995

(C)(3) Maintain records of every athlete agent registered in this state, including the agent's business and residential address, and the date and number of the agent's registration; 2996  
2997  
2998

(D)(B) The Ohio athletic commission, established under section 3773.33 of the Revised Code, shall do both of the following: 2999  
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3001

(1) Establish an application form to be completed by an individual seeking registration as an athlete agent; 3002  
3003

(E) Establish a fee for the registration, and renewal of the registration, of an individual as an athlete agent in an amount necessary to generate sufficient funds to cover the cost of administering and enforcing this chapter; 3004  
3005  
3006  
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(F)(2) Adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter. 3008  
3009

**Sec. 4771.07.** (A) Each individual who desires to serve as an athlete agent within this state shall first file an application for registration with the Ohio athletic commission administrator of athletics. The applicant shall apply 3010  
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using a form prescribed by the Ohio athletic commission and 3014  
shall provide all the following information: 3015

- (1) The name and residential address of the applicant; 3016
- (2) The address of the primary location in which the 3017  
applicant wishes to conduct business as an athlete agent; 3018
- (3) The type of business conducted or the occupation held 3019  
by the applicant during the five years immediately preceding 3020  
application; 3021
- (4) The location and evidence of a trust fund established 3022  
in accordance with division (B) of section 4771.12 of the 3023  
Revised Code and rules adopted by the commission; 3024
- (5) The name and address of all persons who have a 3025  
financial interest in the business operation of the applicant, 3026  
or who are compensated for the solicitation or recruitment of 3027  
athletes on behalf of the applicant, except for salaried 3028  
employees who receive no commission or bonus pursuant to any 3029  
agent or professional sports services contract; 3030
- (6) Any other information deemed necessary by the 3031  
commission. 3032

(B) The applicant shall submit with the application for 3033  
registration an affidavit or certificate of completion 3034  
describing all formal training or practical experience completed 3035  
by the applicant in any of the following areas: 3036

- (1) Contracts; 3037
- (2) Contract negotiations; 3038
- (3) Complaint resolution; 3039
- (4) Arbitration; 3040

(5) Dispute resolution.	3041
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.	3042 3043 3044 3045
(C) An applicant shall submit with the application for registration an application fee <del>in an amount determined by the commission pursuant to division (F) of section 4771.05 of the Revised Code</del> of four hundred dollars and proof of one of the securities required under section 477.11-4771.11 of the Revised Code.	3046 3047 3048 3049 3050 3051
(D) An athlete agent shall notify the <del>commission administrator</del> 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.	3052 3053 3054 3055
<b>Sec. 4771.08.</b> (A) Upon receipt of all the materials required for application for registration under section 4771.07 of the Revised Code, the <del>Ohio athletic commission administrator of athletics</del> shall evaluate the information provided and issue a certificate of registration to the applicant, unless the <del>commission administrator</del> 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.	3056 3057 3058 3059 3060 3061 3062 3063 3064
Notwithstanding the requirements for a certificate of registration under this chapter, the <del>commission administrator</del> shall issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	3065 3066 3067 3068 3069

(1) The applicant is registered in another state. 3070

(2) The applicant has satisfactory work experience, a 3071  
government certification, or a private certification as 3072  
described in that chapter as an athlete agent in a state that 3073  
does not issue that certificate of registration. 3074

(B) The ~~commission administrator~~ may issue a temporary 3075  
certificate of registration, effective for a period of up to 3076  
ninety days after the issuance of the temporary registration, to 3077  
a nonresident athlete agent who is registered as an athlete 3078  
agent in another state, or to a person who has not submitted all 3079  
the material required under section 4771.07 of the Revised Code, 3080  
but who the ~~commission administrator~~ determines to have 3081  
submitted sufficient material to warrant the issuance of a 3082  
temporary certificate. Chapter 4796. of the Revised Code does 3083  
not apply to a temporary certificate of registration issued 3084  
under this division. 3085

(C) The registration of an athlete agent ~~with the~~ 3086  
~~commission~~ is valid for a period of two years after the date the 3087  
certificate of registration is issued. An athlete agent shall 3088  
file an application for the renewal of a registration with the 3089  
~~commission administrator~~ at least thirty days prior to the 3090  
expiration of the registration of the athlete agent. An 3091  
application for renewal shall be accompanied by a renewal fee ~~in~~ 3092  
~~an amount determined by the commission pursuant to division (F)~~ 3093  
~~of section 4771.05 of the Revised Code of~~ four hundred dollars. 3094

(D) Each certificate of registration issued by the 3095  
~~commission administrator~~ to an athlete agent shall contain all 3096  
the following information: 3097

(1) The name of the athlete agent; 3098

(2) The address of the primary location in which the  
athlete agent is authorized to conduct business as an athlete  
agent; 3099  
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(3) A registration number for the athlete agent and the  
date of issuance of the registration. 3102  
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(E) No registration or certificate of registration is  
valid for any individual other than the athlete agent to whom it  
is issued. 3104  
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(F) The Ohio athletic commission is and the administrator  
are not liable for the acts of an athlete agent who is  
registered with the commission under this section. 3107  
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**Sec. 4771.09.** (A) The Ohio athletic commission  
administrator of athletics may issue an eligible person a  
certificate of convenience to conduct business as an athlete  
agent when a registered athlete agent is deceased, or declared  
incompetent or physically infirm by the judgment of a court of  
competent jurisdiction. The commission administrator may issue a  
certificate of convenience upon either receiving approval to do  
so from a probate court or finding that the last will and  
testament of the athlete agent specifically authorizes the  
executor or administrator of estate to conduct the business of  
the athlete agent. 3110  
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(B) The following persons are eligible to obtain a  
certificate of convenience to conduct business on behalf of an  
athlete agent: 3121  
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(1) The executor or administrator of the estate of the  
deceased athlete agent; 3124  
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(2) The guardian of the estate of an athlete agent who has  
been declared incompetent or the conservator appointed to manage 3126  
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the estate of an athlete agent who has been declared physically infirm. 3128  
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(C) A certificate of convenience is valid for ninety days 3130  
after the date it is issued. If the holder of a certificate of 3131  
convenience applies for registration as an athlete agent, the 3132  
~~commission administrator~~ may renew the certificate of 3133  
convenience for a period of time the ~~commission administrator~~ 3134  
finds appropriate pending the ~~commission's administrator's~~ 3135  
determination whether to issue a certificate of registration as 3136  
an athlete agent to the holder of the certificate of 3137  
convenience. 3138

**Sec. 4771.10.** The Ohio athletic commission may require 3139  
each registered athlete agent to complete not more than six 3140  
hours of continuing education during a biennial registration in 3141  
programs to be determined or approved by the commission. If the 3142  
commission imposes continuing education requirements on athlete 3143  
agents, not less than two of the six hours of continuing 3144  
education shall be devoted to ethics. 3145

A continuing education program shall promote the ability 3146  
of an athlete agent to serve as an athlete agent in an ethical 3147  
and legal manner. A continuing education program may address 3148  
laws and rules governing athlete agents and rules and policies 3149  
established by an athletic conference or a collegiate athletic 3150  
organization. An athlete agent also may obtain credit for 3151  
continuing education by participating in or attending lectures, 3152  
courses at institutions of higher education, seminars, or rule- 3153  
making or disciplinary proceedings approved by the commission, 3154  
or by teaching a subject that pertains to the profession of an 3155  
athlete agent. 3156

If the commission requires athlete agents to fulfill 3157

continuing education requirements under this section, the 3158  
commission shall adopt rules to carry out the purposes of this 3159  
section. The rules shall contain procedures by which the 3160  
commission or the administrator of athletics shall monitor an 3161  
athlete agent's compliance with the continuing education 3162  
requirements prior to renewal of an athlete agent's certificate 3163  
of registration. 3164

**Sec. 4771.11.** (A) Prior to issuing a certificate of 3165  
registration, the ~~Ohio athletic commission~~ administrator of 3166  
athletics shall require an athlete agent to submit proof of one 3167  
of the following securities: 3168

(1) A surety bond in the amount of fifteen thousand 3169  
dollars in favor of the state of Ohio for the benefit of any 3170  
person who is injured by a violation of this chapter or rules 3171  
adopted under this chapter; 3172

(2) A certificate of deposit in favor of, or a savings 3173  
account assigned to, the state of Ohio for the benefit of any 3174  
person that is injured by a violation of this chapter or rules 3175  
adopted under this chapter, in the amount of fifteen thousand 3176  
dollars; 3177

(3) Certification from an insurance carrier indicating 3178  
that the athlete agent has obtained professional malpractice 3179  
insurance in an amount equal to, or greater than, fifty thousand 3180  
dollars, or a lesser amount, as permitted by the 3181  
commission administrator. 3182

An athlete agent shall present evidence of a bond, a 3183  
certificate of deposit, an assigned savings account, or 3184  
professional malpractice insurance in the manner prescribed by 3185  
the Ohio athletic commission. 3186

(B) The ~~commission~~administrator shall hold on deposit, as  
an agent of the state, any surety bond or other form of security  
deposited with the ~~commission~~administrator by an athlete agent. 3187  
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The ~~commission~~administrator shall hold the security in trust  
contingent on an athlete agent's compliance with all provisions  
of this chapter including the payment of all moneys owed to an  
athlete, group of athletes, educational institution, or  
institution of higher education, and the payment of all damages  
other than punitive damages due as the result of a misstatement,  
misrepresentation, fraudulent act, deceit, or unlawful or  
negligent act or omission by an athlete agent in the course of  
serving as an athlete agent, or by a representative or employee  
of an athlete agent when the representative or employee acted  
within the scope of the representative's or employee's  
authority. The ~~commission~~administrator may use funds held on  
deposit for an athlete agent to pay debts owed by an athlete  
agent as described in this division pursuant to a court or  
administrative order specifying the obligation of the athlete  
agent. 3205

(C) Nothing in this section shall be construed to limit  
the liability of an athlete agent to the amount of the surety  
bond, malpractice coverage, or other security held on deposit by  
the ~~commission~~administrator. 3206  
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(D) An athlete agent shall maintain the security required  
under this section. If an athlete agent fails to maintain the  
security as required under this section, the ~~commission~~  
administrator shall suspend the registration of the athlete  
agent until the athlete agent provides evidence of the bond,  
certificate of deposit, assigned savings account, or  
professional malpractice insurance, as required under this  
section. 3210  
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(E) The liability of the surety on a bond described in  
division (A) of this section shall not exceed the sum of fifteen  
thousand dollars in the aggregate for all persons who are  
injured by any and all violations of this chapter or rules  
adopted under this chapter. 3218  
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(F) A surety may cancel a bond described in division (A)  
of this section after mailing a written notice to the athlete  
agent and the ~~commission~~administrator stating that the bond  
cancels sixty days after that notice is mailed. The liability of  
the surety for acts of the athlete agent continues during that  
sixty-day period. The cancellation notice does not absolve the  
surety from liability that accrues before the cancellation date  
but that is discovered after that date. 3223  
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(G) The ~~commission~~administrator shall return the surety  
bond or other form of security held by the ~~commission~~  
administrator under this section to the athlete agent submitting  
the bond or security, two years after the person ceases to serve  
as an athlete agent in this state. 3231  
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**Sec. 4771.12.** (A) Fees charged by an athlete agent for  
services provided to an athlete may be negotiated between the  
parties. 3236  
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(B) (1) Except as provided in division (B) (2) of this  
section, an athlete agent shall establish an interest-bearing  
trust fund or similar account in a depository approved by the  
Ohio athletic commission to be used for the deposit of all  
revenues received on behalf of an athlete. An athlete agent  
shall deposit any revenue received on behalf of an athlete in  
the interest-bearing trust fund or account. The athlete agent  
shall notify the ~~commission~~administrator of athletics of the  
address and location of the trust fund or account and the  
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depository in which it is located.	3248
(2) An athlete agent who is an attorney licensed to practice law in this state may deposit any revenue received on behalf of an athlete in a trust account already maintained by the agent attorney in a financial institution in this state for the deposit of revenue received on behalf of clients.	3249 3250 3251 3252 3253
(C) No athlete agent shall share fees with any person other than an employee of the athlete agent. If an athlete agent shares a fee with an employee, the athlete agent shall obtain written consent from the athlete prior to entering a fee agreement with the athlete. No athlete agent shall enter fee agreements that are prohibited under this chapter.	3254 3255 3256 3257 3258 3259
(D) If an athlete agent collects a fee or expense from an athlete as consideration for obtaining employment for the athlete, and the athlete agent fails to procure such employment, the agent shall retain only the following portion of the fee or expense:	3260 3261 3262 3263 3264
(1) The cost of reasonable expenses incurred by the athlete agent during the course of representing the athlete in efforts to obtain employment for the athlete;	3265 3266 3267
(2) A negotiated fee in connection with instances where the athlete receives a bonus or some compensation for signing a professional sports services contract.	3268 3269 3270
(E) Nothing in this section shall be construed to limit the authority of the Ohio supreme court to establish or regulate fees for activities considered to be the practice of law.	3271 3272 3273
<b>Sec. 4771.13.</b> No athlete agent shall act on behalf of an athlete as a "dealer" or "investment advisor," as defined in section 1707.01 of the Revised Code, unless the athlete agent	3274 3275 3276

complies with Chapter 1707. of the Revised Code. 3277

An athlete agent shall disclose to an athlete and the ~~Ohio athletic commission~~ administrator of athletics any ownership 3278  
~~athletic commission~~ administrator of athletics any ownership 3279  
interest the athlete agent has in an entity referred to by the 3280  
athlete agent in advising the athlete concerning investments. An 3281  
athlete agent shall disclose any commissions or fees the athlete 3282  
agent may receive as a result of an investment decision made by 3283  
an athlete in response to investment advice from the athlete 3284  
agent. 3285

**Sec. 4771.14.** (A) An athlete agent shall maintain all of 3286  
the following records: 3287

(1) The name and address of each athlete for whom the 3288  
athlete agent performs services as an athlete agent in exchange 3289  
for compensation; 3290

(2) The amount of fees or compensation received for the 3291  
performance of services for each athlete; 3292

(3) A copy of the contract entered into between the 3293  
athlete agent and each athlete; 3294

(4) Any other information the Ohio athletic commission or 3295  
the administrator of athletics finds appropriate in connection 3296  
with the provision of services by an athlete agent. 3297

(B) An athlete agent shall maintain all records required 3298  
to be maintained pursuant to this section, in a manner that the 3299  
commission shall prescribe, for a period of five years. 3300

(C) No athlete agent or employee or representative of an 3301  
athlete agent shall make, or cause to be made, any false records 3302  
or records containing false information. 3303

(D) All financial records, financial books, and other 3304

records not subject to the attorney-client privilege that are 3305  
required to be maintained pursuant to this chapter shall be open 3306  
to inspection by the commission, the administrator, and its 3307  
their representatives, upon reasonable notice, at the pleasure 3308  
of the commission or the administrator. 3309

**Sec. 4771.16.** No athlete agent shall publish or cause to 3310  
be published any false, fraudulent, or misleading notice, 3311  
advertisement, or information with knowledge that it is false, 3312  
fraudulent, or misleading. All advertisements of an athlete 3313  
agent shall contain the name and registered business address of 3314  
the athlete agent and some indication that the athlete agent is 3315  
registered with the Ohio athletic commission under this chapter. 3316

As used in this section, "advertisement" includes 3317  
circulars, signs, newspaper or magazine publications, or other 3318  
oral or written communication that names the athlete agent in 3319  
connection with the provision of services as an athlete agent. 3320

**Sec. 4771.18.** (A) The Ohio athletic commission 3321  
administrator of athletics may, except as provided in division 3322  
(B) of this section, refuse to grant or renew a registration, or 3323  
and the Ohio athletic commission may suspend or revoke a 3324  
registration of an athlete agent, in accordance with Chapter 3325  
119. of the Revised Code, upon proof satisfactory to the 3326  
administrator or the commission that the athlete agent or an 3327  
employee or representative of the athlete agent has done any of 3328  
the following: 3329

(1) Made false or misleading statements of a material 3330  
nature in an application for registration as an athlete agent; 3331

(2) Been convicted of or pleaded guilty to an offense in 3332  
connection with the person's service as an athlete agent in this 3333

or another state;	3334
(3) Been convicted of or pleaded guilty to an offense involving illegal gambling;	3335
(4) Engaged in conduct that has a significant adverse impact on the applicant's credibility, integrity, or competence to serve in a fiduciary capacity;	3337
(5) Misappropriated funds or engaged in other specific conduct that would render the applicant unfit to serve in a fiduciary capacity, including being convicted of or pleading guilty to offenses involving embezzlement, theft, or fraud;	3340
(6) Violated a provision of this chapter or a rule adopted under this chapter.	3344
(B) The <del>commission</del> <u>administrator</u> shall not refuse to issue a registration to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.	3346
(C) Upon receiving a complaint of a violation of this chapter or a rule adopted under it, the commission shall conduct an investigation of the complaint. If the commission finds reasonable cause to believe a violation occurred, the commission shall conduct a hearing in accordance with Chapter 119. of the Revised Code to determine if a violation occurred. If the commission finds a violation occurred, the commission may suspend or revoke, or <u>the administrator may</u> refuse to issue or renew, the registration of an athlete agent for such period of time as the commission <u>or</u> <u>administrator</u> finds appropriate.	3350
Upon completion of an investigation, if the commission finds no reasonable grounds to believe a violation occurred, the commission shall certify without a hearing that no violation	3360
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occurred. The commission shall serve the certification on all 3363  
parties addressed in the complaint by certified mail, return 3364  
receipt requested. The certification shall be considered a final 3365  
resolution of the matter if no objection to the certification is 3366  
filed. A party involved in the complaint may file an objection 3367  
to the certification with the commission within ten days after 3368  
the date the certification is mailed. If a party files an 3369  
objection to the certification within the prescribed period, the 3370  
commission, within its discretion, may conduct a hearing in 3371  
accordance with Chapter 119. of the Revised Code to determine if 3372  
a violation occurred. 3373

**Sec. 4771.21.** Any person who conducts business in this 3374  
state as an athlete agent consents to the jurisdiction of the 3375  
courts of this state, whether or not the person is registered as 3376  
an athlete agent ~~with the Ohio athletic commission under this~~ 3377  
chapter. 3378

If an athlete agent conducts business in this state and 3379  
thereafter leaves this state with intent to defraud creditors or 3380  
to avoid service of process in an action brought under this 3381  
chapter, the athlete agent thereby makes the secretary of state 3382  
of the state of Ohio the agent of the athlete agent for purposes 3383  
of service of process in any civil action or proceeding 3384  
instituted in the courts of this state against the athlete agent 3385  
arising out of, or by reason of, the athlete agent's conduct 3386  
within this state. This appointment is irrevocable. 3387

The process shall be served by the officer to whom the 3388  
process is directed or by the sheriff of Franklin county. The 3389  
process shall be served as follows: 3390

(A) Upon the secretary of state by leaving the process and 3391  
a true and attested copy of the process at the office of the 3392

secretary of state, at least fifteen days before the return day 3393  
of the process; and 3394

(B) By sending to the defendant, at the defendant's last 3395  
known address, by registered mail, postage prepaid, a like true 3396  
and attested copy of the process, with an indorsement on the 3397  
process of the service upon the secretary of state. The 3398  
registered mail return receipt of the defendant shall be 3399  
attached to and made a part of the return of service of the 3400  
process. 3401

**Sec. 4771.22.** The Ohio athletic commission and the 3402  
administrator of athletics shall deposit all money ~~it receives~~ 3403  
~~they receive~~ under this chapter to the credit of the 3404  
occupational licensing and regulatory fund, created under 3405  
section 4743.05 of the Revised Code. 3406

**Sec. 4771.23.** The Ohio athletic commission and the 3407  
administrator of athletics shall comply with section 4776.20 of 3408  
the Revised Code. 3409

**Sec. 4774.03.** (A) Except as provided in division (D) of 3410  
this section, an individual seeking a license to practice as a 3411  
radiologist assistant shall file with the state medical board a 3412  
written application on a form prescribed and supplied by the 3413  
board. The application shall include all the information the 3414  
board considers necessary to process the application, including 3415  
evidence satisfactory to the board that the applicant meets the 3416  
requirements specified in division (B) of this section. 3417

At the time an application is submitted, the applicant 3418  
shall pay the board ~~the application a~~ fee specified by the board 3419  
~~in rules adopted under section 4774.11 of the Revised Code~~ one 3420  
hundred dollars. No part of the fee shall be returned. 3421

(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:	3422 3423 3424 3425
(1) Be at least eighteen years of age;	3426
(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code;	3427 3428
(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;	3429 3430 3431 3432 3433
(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;	3434 3435 3436 3437 3438 3439 3440
(5) Hold current certification in advanced cardiac life support.	3441 3442
(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.	3443 3444 3445 3446 3447
(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:	3448 3449 3450

(1) The applicant holds a license in another state.	3451
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a radiologist assistant in a state that does not issue that license.	3452
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<b>Sec. 4774.06.</b> (A) An individual seeking to renew a license to practice as a radiologist assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date.	3456
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee <del>specified by the board in rules adopted under section 4774.11 of the Revised Code one</del> hundred dollars.	3461
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The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license under section 4774.13 of the Revised Code 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 signing an application for a license to practice as a radiologist assistant.	3466
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(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:	3473
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(1) A license as a radiographer under Chapter 4773. of the Revised Code;	3476
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(2) Certification as a registered radiologist assistant from the American registry of radiologic technologists by	3478
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meeting the registry's requirements for annual registration, 3480  
including completion of the continuing education requirements 3481  
established by the registry. 3482

(C) If an applicant submits a renewal application that the 3483  
board considers to be complete and qualifies for renewal 3484  
pursuant to division (B) of this section, the board shall issue 3485  
to the applicant a renewed license to practice as a radiologist 3486  
assistant. 3487

(D) A license that is not renewed on or before its 3488  
expiration date is automatically suspended on its expiration 3489  
date, subject to the provisions of section 119.06 of the Revised 3490  
Code specifying that an applicant who appropriately files a 3491  
renewal application is not required to discontinue practicing 3492  
merely because the board has failed to act on the application. 3493

If a license has been suspended pursuant to this division 3494  
for two years or less, the board shall reinstate the license 3495  
upon an applicant's submission of a renewal application, the 3496  
biennial renewal fee, and the applicable monetary penalty. The 3497  
penalty for reinstatement is twenty-five dollars. 3498

If a license has been suspended pursuant to this division 3499  
for more than two years, it may be restored. Subject to section 3500  
4774.061 of the Revised Code, the board may restore the license 3501  
upon an applicant's submission of a restoration application, the 3502  
biennial renewal fee, and the applicable monetary penalty and 3503  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3504  
The board shall not restore a license unless the board, in its 3505  
discretion, decides that the results of the criminal records 3506  
check do not make the applicant ineligible for a certificate 3507  
issued pursuant to section 4774.04 of the Revised Code. The 3508  
penalty for restoration is fifty dollars. 3509

**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, the board shall take into consideration the guidelines adopted by the American college of radiology, the American society of radiologic technologists, and the American registry of radiologic technologists. 3510  
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(B) The rules adopted under this section shall include all of the following: 3517  
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(1) Standards and procedures for issuing and renewing licenses to practice as a radiologist assistant; 3519  
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(2) ~~Application fees for an initial or renewed license;~~ 3521

~~(3)~~—Any additional radiologic procedures that radiologist assistants may perform pursuant to division (A) (5) of section 4774.08 of the Revised Code and the level of supervision that the supervising radiologist is required to provide pursuant to section 4774.10 of the Revised Code; 3522  
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~~(4)~~(3) Definitions of "general anesthesia," "deep sedation," "moderate sedation, "and "minimal sedation"; 3527  
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~~(5)~~(4) Any other standards and procedures the board considers necessary to govern the practice of radiologist assistants, the supervisory relationship between radiologist assistants and supervising radiologists, and the administration and enforcement of this chapter. 3529  
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**Section 2.** That existing sections 101.63, 103.27, 1531.40, 1533.631, 1533.72, 1561.11, 1561.13, 1561.15, 1561.23, 1561.26, 1563.24, 1565.04, 1565.05, 1565.06, 3319.2213, 3319.51, 3701.83, 3704.14, 3748.01, 3748.04, 3748.05, 3748.11, 3748.13, 3748.16, 3773.31, 3773.33, 3773.34, 3773.35, 3773.36, 3773.37, 3773.38, 3534  
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3773.39, 3773.40, 3773.41, 3773.42, 3773.421, 3773.43, 3773.45, 3539  
3773.51, 3773.52, 3773.53, 3773.54, 3773.55, 3773.56, 3773.57, 3540  
3773.59, 3776.05, 4730.10, 4730.14, 4731.294, 4759.08, 4764.05, 3541  
4764.08, 4771.02, 4771.05, 4771.07, 4771.08, 4771.09, 4771.10, 3542  
4771.11, 4771.12, 4771.13, 4771.14, 4771.16, 4771.18, 4771.21, 3543  
4771.22, 4771.23, 4774.03, 4774.06, and 4774.11 of the Revised 3544  
Code are hereby repealed. 3545

**Section 3.** That sections 1561.17, 3748.12, and 3748.121 of 3546  
the Revised Code are hereby repealed. 3547

**Section 4.** (A) For the purposes of this section, 3548  
"occupational licensing board" has the same meaning as in 3549  
section 101.62 of the Revised Code. 3550

(B) Pursuant to division (E) of section 101.62 of the 3551  
Revised Code, the following occupational licensing boards are 3552  
hereby renewed and, subject to the revisions prescribed by this 3553  
act, the statutes creating, empowering, governing, and 3554  
regulating those boards are continued: 3555

(1) The Ohio Athletic Commission created under section 3556  
3773.33 of the Revised Code; 3557

(2) The Ohio Construction Industry Licensing Board within 3558  
the Department of Commerce created under section 4740.02 of the 3559  
Revised Code; 3560

(3) The Historical Boilers Licensing Board within the 3561  
Department of Commerce created under section 4104.33 of the 3562  
Revised Code; 3563

(4) The Ohio Home Inspector Licensing Board within the 3564  
Department of Commerce created under section 4764.04 of the 3565  
Revised Code; 3566

(5) The Division of Securities within the Department of Commerce described in Chapter 1707. of the Revised Code;	3567 3568
(6) The State Board of Education created under section 3301.01 of the Revised Code;	3569 3570
(7) The Ohio Environmental Protection Agency created under section 121.02 of the Revised Code;	3571 3572
(8) The Ohio Department of Health described in Chapter 3701. of the Revised Code;	3573 3574
(9) The State Medical Board created under section 4731.01 of the Revised Code;	3575 3576
(10) The Ohio Department of Natural Resources described in Chapter 1501. of the Revised Code.	3577 3578
(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.	3579 3580 3581 3582 3583
<b>Section 5.</b> (A) With respect to any business commenced but not completed by the Executive Director of the Ohio Athletic Commission on the effective date of this section, that business shall be completed by the Director of Commerce or the Administrator of Athletics in the same manner, and with the same effect, as if completed by the Executive Director.	3584 3585 3586 3587 3588 3589
(B) Wherever the Executive Director is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Director or the Administrator.	3590 3591 3592
(C) On the effective date of this section, both of the following apply:	3593 3594

(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the Commission's employees are transferred to the Department of Commerce and retain their positions and all of the benefits accruing thereto.	3595
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(2) All of the Commission's employment records, equipment, and assets shall be transferred to the Department.	3599
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(D) Any action or proceeding pending on the effective date of this section shall be prosecuted or defended in the name of the Director or the Administrator. In all such actions and proceedings, the Director or Administrator, on application to the court, shall be substituted as a party.	3601
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<b>Section 6.</b> Beginning on the effective date of this section, the number of regulatory restrictions permitted in this state pursuant to section 121.953 of the Revised Code shall be increased by the number of regulatory restrictions contained in rules adopted by the Ohio Athletic Commission that are in effect on the effective date of this section.	3606
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