

As Reported by the House General Government Committee

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 59

Representatives Fowler Arthur, Hiner

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, 3748.11, 3748.13, 3748.16, 5
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3773.52, 3773.53, 3773.54, 3773.55, 3773.56, 9
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4731.294, 4759.08, 4764.05, 4764.08, 4771.02, 11
4771.05, 4771.07, 4771.08, 4771.09, 4771.10, 12
4771.11, 4771.12, 4771.13, 4771.14, 4771.16, 13
4771.18, 4771.21, 4771.22, 4771.23, 4774.03, 14
4774.06, and 4774.11; to enact sections 3748.131 15
and 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:

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, 3748.11, 3748.13, 3748.16, 3773.31, 23
3773.33, 3773.34, 3773.35, 3773.36, 3773.37, 3773.38, 3773.39, 24
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3773.52, 3773.53, 3773.54, 3773.55, 3773.56, 3773.57, 3773.59, 26
3776.05, 4730.10, 4730.14, 4731.294, 4759.08, 4764.05, 4764.08, 27
4771.02, 4771.05, 4771.07, 4771.08, 4771.09, 4771.10, 4771.11, 28
4771.12, 4771.13, 4771.14, 4771.16, 4771.18, 4771.21, 4771.22, 29
4771.23, 4774.03, 4774.06, and 4774.11 be amended and sections 30
3748.131 and 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 51
Revised Code, the president of the senate shall direct a 52

standing committee of the senate to hold hearings to receive 53
testimony of the public and of the chief executive officer of 54
the board, and otherwise to review, consider, and evaluate the 55
usefulness, performance, and effectiveness of the board and any 56
bill considered by the house of representatives related to the 57
expiration of that board. Not later than the fifteenth day of 58
November of that same even-numbered year, the standing committee 59
shall prepare and publish a report of its findings and 60
recommendations in accordance with section 101.65 of the Revised 61
Code. If the standing committee's report includes a bill, the 62
senate shall consider that bill for passage by the thirty-first 63
day of December of that same even-numbered year. 64

(3) The president of the senate and the speaker of the 65
house of representatives may, in the same manner as described in 66
divisions (A) (1) and (2) of this section, direct a standing 67
committee to review an occupational licensing board for which 68
the director of the legislative service commission, under 69
section 103.27 of the Revised Code, has performed a review. 70

(4) The president of the senate and the speaker of the 71
house of representatives shall direct standing committees to 72
review approximately thirty-three per cent of the occupational 73
licensing boards each biennium. All occupational licensing 74
boards shall be reviewed over a six-year period including 75
calendar years 2019 through 2024, and also during each 76
subsequent six-year period. 77

(B) Each occupational licensing board that is scheduled to 78
be reviewed by a standing committee shall submit to the standing 79
committee a report that contains all of the following 80
information: 81

(1) The board's primary purpose and its various goals and 82

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| objectives; | 83 |
| (2) The board's past and anticipated workload, the number | 84 |
| of staff required to complete that workload, and the board's | 85 |
| total number of staff; | 86 |
| (3) The board's past and anticipated budgets and its | 87 |
| sources of funding; | 88 |
| (4) The number of members of its governing board or other | 89 |
| governing entity and their compensation, if any, <u>and any</u> | 90 |
| <u>experience or other requirements an individual must meet to</u> | 91 |
| <u>serve as a member of the governing board or entity.</u> | 92 |
| (C) Each board shall have the burden of demonstrating to | 93 |
| the standing committee a public need for its continued | 94 |
| existence. In determining whether a board has demonstrated that | 95 |
| need, the standing committee shall consider, as relevant, all of | 96 |
| the following: | 97 |
| (1) Whether or not continuation of the board is necessary | 98 |
| to protect the health, safety, or welfare of the public, and if | 99 |
| so, whether or not the board's authority is narrowly tailored to | 100 |
| protect against present, recognizable, and significant harms to | 101 |
| the health, safety, or welfare of the public; | 102 |
| (2) Whether or not the public could be protected or served | 103 |
| in an alternate or less restrictive manner; | 104 |
| (3) Whether or not the board serves a specific private | 105 |
| interest; | 106 |
| (4) Whether or not rules adopted by the board are | 107 |
| consistent with the legislative mandate of the board as | 108 |
| expressed in the statutes that created and empowered the board; | 109 |
| (5) The extent to which the board's jurisdiction and | 110 |

programs overlap or duplicate those of other boards, the extent 111
to which the board coordinates with those other boards, and the 112
extent to which the board's programs could be consolidated with 113
the programs of other state departments or boards; 114

(6) How many other states regulate the occupation, whether 115
a license is required to engage in the occupation in other 116
states, whether the initial licensing and license renewal 117
requirements for the occupation are substantially equivalent in 118
every state, and the amount of regulation exercised by the board 119
compared to the regulation, if any, in other states; 120

(7) The extent to which significant changes in the board's 121
rules could prevent an individual licensed in this state from 122
practicing, or allow an individual licensed in this state to 123
practice, the same occupation in another jurisdiction without 124
obtaining an occupational license for that occupation in that 125
other jurisdiction; 126

(8) Whether the board recognizes national uniform 127
licensure requirements for the occupation; 128

(9) Whether or not private contractors could be used, in 129
an effective and efficient manner, either to assist the board in 130
the performance of its duties or to perform these duties instead 131
of the board; 132

(10) Whether or not the operation of the board has 133
inhibited economic growth, reduced efficiency, or increased the 134
cost of government; 135

(11) An assessment of the authority of the board regarding 136
fees, inspections, enforcement, and penalties; 137

(12) The extent to which the board has permitted qualified 138
applicants to serve the public; 139

(13) The extent to which the board has permitted 140
individuals to practice elements of the occupation without a 141
license; 142

(14) The cost-effectiveness of the board in terms of 143
number of employees, services rendered, and administrative costs 144
incurred, both past and present; 145

(15) Whether or not the board's operation has been impeded 146
or enhanced by existing statutes and procedures and by 147
budgetary, resource, and personnel practices; 148

(16) Whether the board has recommended statutory changes 149
to the general assembly that would benefit the public as opposed 150
to the persons regulated by the board, if any, and whether its 151
recommendations and other policies have been adopted and 152
implemented; 153

(17) Whether the board has required any persons it 154
regulates to report to it the impact of board rules and 155
decisions on the public as they affect service costs and service 156
delivery; 157

(18) Whether persons regulated by the board, if any, have 158
been required to assess problems in their business operations 159
that affect the public; 160

(19) Whether the board has encouraged public participation 161
in its rule-making and decision-making; 162

(20) The efficiency with which formal public complaints 163
filed with the board have been processed to completion; 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 167

renewed in some form; 168

(23) An assessment of the administrative hearing process 169
of a board if the board has an administrative hearing process, 170
and whether or not the hearing process is consistent with due 171
process rights; 172

(24) Whether the requirement for the occupational license 173
is consistent with the policies expressed in section 4798.02 of 174
the Revised Code, serves a meaningful, defined public interest, 175
and provides the least restrictive form of regulation that 176
adequately protects the public interest; 177

(25) The extent to which licensing ensures that 178
practitioners have occupational skill sets or competencies that 179
are substantially related to protecting consumers from present, 180
significant, and substantiated harms that threaten public 181
health, safety, or welfare, and the impact that those criteria 182
have on applicants for a license, particularly those with 183
moderate or low incomes, seeking to enter the occupation or 184
profession; 185

(26) The extent to which the requirement for the 186
occupational license stimulates or restricts competition, 187
affects consumer choice, and affects the cost of services; 188

(27) An assessment of whether or not changes are needed in 189
the enabling laws of the board in order for it to comply with 190
the criteria suggested by the considerations listed in division 191
(C) of this section; 192

(28) Beginning with reviews commencing on or after January 193
1, 2027, whether the number of board members is appropriate 194
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 requirement protects or serves the public interest if it provides protection from present, significant, and substantiated harms to the health, safety, or welfare of the public.

(D) The legislative service commission shall provide staff services to a standing committee performing its duties under this section and section 101.65 of the Revised Code.

(E) Notwithstanding any provision of this section to the contrary, a standing committee tasked with the review of occupational licensing boards under this section may accept the report issued by the legislative service commission pursuant to section 103.27 of the Revised Code in the immediately preceding biennium in lieu of either of the following:

(1) Receiving testimony from the chief executive officer of the board in accordance with division (A) of this section;

(2) Requiring an occupational licensing board that is scheduled to be reviewed by a standing committee to submit to the standing committee a report in accordance with division (B) of this section.

Sec. 103.27. (A) As used in this section, "personal qualification" has the same meaning as in section 101.62 of the Revised Code.

(B) Each biennium starting with an odd-numbered year, beginning in 2019, the director of the legislative service commission shall issue a report regarding approximately thirty-three per cent of occupations subject to regulation by the state and, beginning with the biennium that starts in 2025, business licenses that require the applicant to satisfy a personal qualification. The report shall compare the current regulatory

scheme being utilized in this state with the policies expressed 226
in section 4798.02 of the Revised Code and, beginning with the 227
biennium that starts in 2027, reflect the factors that the 228
standing committees of the general assembly must consider under 229
divisions (B) and (C) of section 101.63 of the Revised Code. 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

(E) Beginning with the biennium that starts in 2027, the 237
director shall require that any department or board that 238
regulates the occupation provide the following information to be 239
included in the report: 240

(1) Quantitative data on the following information, if 241
applicable, for the period since the occupation was last 242
reported on by the director: 243

(a) The number of applicants; 244

(b) Application approvals and denials; 245

(c) New approvals; 246

(d) Renewals, including approval of applicants who 247
previously had approval to practice the occupation; 248

(e) Data regarding discipline; 249

(f) Revenue and costs; 250

(g) Changes in revenue and costs since the occupation was 251
last reported on by the director; 252

(h) Changes in caseload since the occupation was last 253
included in the report issued by the director. 254

(2) An impact statement, including studies or data points, 255
on any changes made to the occupation by the general assembly 256
during the period since the occupation was last reported on by 257
the director. The impact statement shall detail the impact of 258
such a change on the board or department, the regulated 259
occupation, and the public. 260

(3) Additional documentation to support any response made 261
to the director for inclusion in the report that is quantitative 262
in nature, including responses related to fee structure and 263
expenses of the department or board. 264

~~(E)~~ (F) The director shall, over a six-year period 265
including calendar years 2019 through 2024, issue reports 266
regarding all occupations subject to regulation by the state. 267
Beginning with the biennium that starts in 2025, the director 268
shall continue to issue reports regarding all occupations 269
subject to regulation by the state, including business licenses 270
that require the applicant to satisfy a personal qualification. 271

~~(F)~~ (G) A report required under division (B) of this 272
section may be scheduled to coincide with, and be done in 273
conjunction with, the review of an occupational licensing board 274
being done by a standing committee of the general assembly under 275
section 101.63 of the Revised Code. 276

Sec. 1531.40. (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 280
structure, property, or person. 281

(2) "Commercial nuisance wild animal ~~control-~~ 282
~~operator~~controller" means an individual ~~or business that who~~ 283
provides nuisance wild animal removal or control services for 284
hire to the owner, the operator, or the owner's or operator's 285
authorized agent of property or a structure. 286

(B) (1) No ~~person~~individual shall provide nuisance wild 287
animal removal or control services for hire without obtaining a 288
license under this section from the chief of the division of 289
wildlife. 290

(2) An applicant shall pay a license fee of ~~forty~~twenty- 291
five dollars for the license. The license shall be renewed 292
~~annually prior to the first day of March and shall expire on the~~ 293
~~last day of February~~every three years. All money collected under 294
this division shall be deposited in the state treasury to the 295
credit of the wildlife fund created in section 1531.17 of the 296
Revised Code. 297

(3) An individual who is providing nuisance wild animal 298
removal or control services for hire under a license issued 299
under this section is exempt from obtaining a hunting license 300
under section 1533.10 of the Revised Code, a fur taker permit 301
under section 1533.111 of the Revised Code, or a fishing license 302
under section 1533.32 of the Revised Code for the purposes of 303
performing those services. 304

(4) An individual who is employed by the state, a county, 305
or a municipal corporation and who performs nuisance wild animal 306
removal or control services on land that is owned by the state, 307
county, or municipal corporation, as applicable, as part of the 308
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 339

required by division ~~(C)~~ (1) ~~(C)~~ of this section. The rules shall
specify the minimum contents of such a course, including public
safety and health, animal life history, the use of nuisance wild
animal removal and control devices, and the laws and rules
governing those activities. ~~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.

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

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

~~(G)~~ (F) 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.

~~(H)~~ (G) 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:

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

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as

described in that chapter as an individual who provides nuisance 369
wild animal removal or control services in a state that does not 370
issue that license. 371

Sec. 1533.631. Any person may apply for a permit to handle 372
commercial fish, or other fish that may be bought or sold under 373
the Revised Code or division rule, at wholesale. Prior to making 374
application for such a permit, a person first shall satisfy the 375
following qualifications to the satisfaction of the chief of the 376
division of wildlife: over eighteen years of age, no prior 377
conviction of or plea of guilty on or after October 10, 2007, to 378
a disqualifying offense as determined in accordance with section 379
9.79 of the Revised Code, and ninety days Ohio residency 380
immediately preceding application. The chief shall issue an 381
annual permit granting the applicant the privilege to handle 382
such fish at wholesale at one or more designated premises upon 383
satisfaction of the pre-application qualifications, filing of an 384
application on a form prescribed by the chief, and payment of a 385
fee of ~~sixty-five~~fifty dollars. No person or a person's agent 386
shall handle at wholesale any fresh water fish or part thereof 387
unless a permit has been issued for the calendar year in which 388
the fish is handled at wholesale for the premises at which the 389
fish is handled. 390

A fish is handled at wholesale for purposes of this 391
section when it is on a premises within the state and is being 392
held, stored, handled, or processed for the purpose of sale to a 393
person who resells the fish. 394

The permit required by this section shall be issued 395
subject to the right of entry and inspection of the designated 396
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 ~~his~~that 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 ~~he~~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 ~~his~~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 ~~he~~the chief finds that the license holder 444
has violated or is violating this chapter ~~or~~for Chapter 1531. of 445
the Revised Code or any division rule. 446

Sec. 1561.11. 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 456

resources management shall conduct examinations for offices and 457
positions in the division of mineral resources management, and 458
for mine forepersons, mine electricians, and surface mine 459
blasters, as follows: 460

(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 467
chooses to operate a laboratory. 468

(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 479
candidates for appointment or promotion as deputy mine 480

inspectors and such other positions and offices set forth in 481
division (A) of this section as are necessary. Special 482
examinations may be held whenever it becomes necessary to make 483
appointments to any of those positions. 484

The chief shall provide for the examination of persons 485
seeking certificates of competency as mine forepersons, 486
forepersons, mine electricians, and surface mine blasters as 487
needed and at such times and places within the state as shall, 488
in the judgment of the chief, afford the best facilities to the 489
greatest number of applicants. 490

The examinations provided for in this section shall be 491
conducted under rules adopted under section 1561.05 of the 492
Revised Code and conditions prescribed by the chief. Any rules 493
that relate to particular candidates shall, upon application of 494
any candidate, be furnished to the candidate by the chief; they 495
shall also be of uniform application to all candidates in the 496
several groups. 497

Sec. 1561.15. (A) Except as provided in division (B) of 498
this section, an applicant for a certificate as mine foreperson, 499
foreperson, mine electrician, ~~shot-firer,~~ or surface mine 500
blaster, ~~or fire boss~~ shall apply to the chief of the division 501
of mineral resources management for examination and shall be 502
examined by the chief. This shall be a practical examination, a 503
substantial part of which shall be oral, to determine the 504
competency of the applicant, based on experience and practical 505
knowledge of the dangers incident to coal mining, and not upon 506
technical education, but consideration shall be given such 507
technical education as the applicant possesses. This examination 508
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 626
rescue at an underground coal mine and no operator of a mine 627

whose employee participates as a member of such a mine rescue 628
crew is liable in any civil action that arises under the laws of 629
this state for damage or injury caused in the performance of 630
rescue work at an underground coal mine. However, a member of 631
such a mine rescue crew may be liable if the member acted with 632
malicious purpose, in bad faith, or in a wanton or reckless 633
manner. 634

This division does not eliminate, limit, or reduce any 635
immunity from civil liability that is conferred on a member of 636
such a mine rescue crew or an operator by any other provision of 637
the Revised Code or by case law. 638

Sec. 1563.24. In all mines generating methane in such 639
quantities as to be considered a gaseous mine under section 640
1563.02 of the Revised Code, the mine foreperson of such a mine 641
shall: 642

(A) Employ a sufficient number of competent persons 643
holding foreperson of gaseous mines ~~or fire boss certificates~~, 644
except as provided in section 1565.02 of the Revised Code, to 645
examine the working places whether they are in actual course of 646
working or not, and the traveling ways and entrances to old 647
workings with approved flame safety lamps, all of which shall be 648
done not more than three hours prior to the time fixed for the 649
employees to enter the mine; 650

(B) Have all old parts of the mine not in the actual 651
course of working, but that are open and safe to travel, 652
examined not less than once each three days by a competent 653
person who holds a foreperson of gaseous mines ~~or a fire boss-~~ 654
~~certificate~~; 655

(C) See that all parts of the mine not sealed off as 656

provided in section 1563.41 of the Revised Code are kept free 657
from standing gas, and upon the discovery of any standing gas, 658
see that the entrance to the place where the gas is so 659
discovered is fenced off and marked with a sign upon which is 660
written the word "danger," and the sign shall so remain until 661
the gas has been removed; 662

(D) Have the mine examined on all idle days, holidays, and 663
Sundays on which employees are required to work therein; 664

(E) If more than three hours elapse between shifts, have 665
the places in which the succeeding shift works examined by a 666
competent person who holds a foreperson of gaseous mines ~~or fire~~ 667
~~boss~~ certificate; 668

(F) See that this chapter and Chapters 1561., 1565., and 669
1567. and applicable provisions of Chapter 1509. of the Revised 670
Code, with regard to examination of working places, removal of 671
standing gas, and fencing off of dangerous places, are complied 672
with before the employees employed by the mine foreperson for 673
this particular work are permitted to do any other work; 674

(G) Have a report made on the blackboard provided for in 675
section 1567.06 of the Revised Code, which report shall show the 676
condition of the mine as to the presence of gas and the place 677
where such gas is present, if there is any, before the mine 678
foreperson permits the employees to enter the mine; 679

(H) Have reports of the duties and activities enumerated 680
in this section signed by the person who makes the examination. 681
The reports so signed shall be sent once each week to the deputy 682
mine inspector of the district in which the mine is located on 683
blanks furnished by the division of mineral resources management 684
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
glazers, 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
~~years~~ within 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
and investigating program offerings, as well as possible student 834

apprenticeship, internship, and employment opportunities for 835
each program; 836

(2) Meeting with local JobsOhio staff and reviewing local 837
business needs; in-demand job fields; and apprenticeship, 838
internship, and employment opportunities for each local in- 839
demand field; 840

(3) Participating in or helping host a career exploration 841
opportunity for students with local businesses, including local 842
employers of in-demand jobs. This training 843

(D) Training and alternative activities completed under 844
this section shall qualify toward meeting professional 845
development activity requirements for the renewal of a pupil 846
services license in school counseling. An individual who begins 847
working with students in any of grades seven through twelve in 848
the last two years of the individual's five-year renewal cycle 849
shall complete this requirement during the following license 850
renewal cycle. 851

~~(2)~~ Local professional development committees ~~established~~ 852
~~under section 3319.22 of the Revised Code shall incorporate this~~ 853
such training and alternative activities as part of the 854
independent professional development programs for school 855
counselors that serve students in any of grades seven through 856
twelve. 857

~~(C)~~ (E) Participating building and construction trades 858
shall ensure ample opportunities for school counselors to 859
complete the training ~~prescribed under~~ described in division (A) 860
of this section during each renewal cycle for licensure. 861
Participating building and construction trades training 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 981
seven years old or newer and provides that a hybrid motor 982
vehicle is exempt for seven years regardless of whether legal 983
title to the motor vehicle is transferred during that period. 984

(C) (1) The director of environmental protection shall 985
adopt rules in accordance with Chapter 119. of the Revised Code 986
that the director determines are necessary to implement this 987
section. The director may continue to implement and enforce 988
rules pertaining to the motor vehicle inspection and maintenance 989
program previously implemented under former section 3704.14 of 990
the Revised Code as that section existed prior to its repeal and 991
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 992
provided that the rules do not conflict with this section. 993

(2) The rules adopted under division (C) (1) of this 994
section shall provide for the issuance of inspections 995
certificates and alternative emissions certificates. Under the 996
rules, an inspection certificate shall be issued to the owner or 997
lessee of a motor vehicle when the motor vehicle passes an 998
emissions inspection conducted in accordance with the motor 999
vehicle inspection and maintenance program established under 1000
this section. In lieu of obtaining an inspection certificate, 1001
the rules shall establish a system by which the owner or lessee 1002
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: 1011

"I, _____, attest that, to the best of my knowledge, the 1012
motor vehicle concerning which I am the owner or lessee complies 1013
with all laws of Ohio and the United States governing motor 1014
vehicle emissions. I, _____, am aware that a false statement on 1015
this form is not permitted." 1016

(ii) Sign and date the form either manually or 1017
electronically; 1018

(iii) Submit the form to the director either by regular 1019
mail, certified mail, or electronically. 1020

(b) The rules shall require the director to include both 1021
of the following additional information on the attestation form: 1022

(i) A provision that allows the owner or lessee of a motor 1023
vehicle to specify one of the following methods by which the 1024
owner or lessee may request delivery of the alternative 1025
emissions certificate: certified mail, noncertified mail, or 1026
electronically; 1027

(ii) A provision that allows the owner or lessee of a 1028
motor vehicle to specify the vehicle identification number, 1029
make, model, and year of the relevant motor vehicle and the date 1030
the attestation form is submitted to the director. 1031

(c) Subject to division (C)(2)(d) of this section, the 1032
rules shall require the director to deliver an alternative 1033
emission certificate to the owner or lessee of a motor vehicle 1034
who complies with rules adopted under division (C)(2)(a) of this 1035
section. The director shall deliver the certificate within 1036
thirty business days after the director's receipt of the 1037
attestation form or, if the owner or lessee submits the form 1038
electronically, within five business days after receipt of the 1039

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

- (1) The certification of inspectors under the program; 1159
- (2) The certification of repair technicians, including 1160
waiver repair technicians, under the program. 1161
- Sec. 3748.01.** As used in this chapter: 1162
- (A) "Byproduct material" means either of the following: 1163
- (1) Any radioactive material, except special nuclear 1164
material, yielded in or made radioactive by exposure to 1165
radiation incident to the process of producing or utilizing 1166
special nuclear material; 1167
- (2) The tailings or wastes produced by the extraction or 1168
concentration of uranium or thorium from any ore processed 1169
primarily for its source material content. 1170
- (B) "Certified radiation expert" means an individual who 1171
~~has complied with all of the following:~~ 1172
- ~~(1) Applied to the director of health for certification as~~ 1173
~~a radiation expert under section 3748.12 of the Revised Code;~~ 1174
- ~~(2) Met minimum education and experience requirements~~ 1175
~~established in rules adopted under division (C) of section~~ 1176
~~3748.04 of the Revised Code;~~ 1177
- ~~(3) Been granted a certificate as a radiation expert by~~ 1178
~~the director under section 3748.12 of the Revised Code~~develops, 1179
provides periodic review of, and conducts audits of a quality 1180
assurance program. 1181
- (C) "Closure" or "site closure" refers to a facility for 1182
the disposal of low-level radioactive waste or a byproduct 1183
material site, as "byproduct material" is defined in division 1184
(A) (2) of this section, and means all activities performed at a 1185

licensed operation, such as stabilization and contouring, to 1186
ensure that the site where the operation occurred is in a stable 1187
condition so that only minor custodial care, surveillance, and 1188
monitoring are necessary at the site following the termination 1189
of the licensed operation. 1190

(D) "Decommissioning" means to safely remove any licensed 1191
operation from service and reduce residual radioactivity to a 1192
level that permits release of the licensee's property for 1193
unrestricted use. With regard to a facility for the disposal of 1194
low-level radioactive waste or a byproduct material site, as 1195
"byproduct material" is defined in division (A) (2) of this 1196
section, "decommissioning" does not include the reduction of 1197
residual radioactivity to a level that permits release of the 1198
facility for unrestricted use. 1199

(E) "Director of health" includes a designee or authorized 1200
representative of the director. 1201

(F) "Disposal," with regard to low-level radioactive 1202
waste, means the permanent isolation of that waste in accordance 1203
with requirements established by the United States nuclear 1204
regulatory commission or the licensing agreement state. 1205

(G) "Disposal site" means that portion of a facility that 1206
is used for the disposal of low-level radioactive waste and that 1207
consists of disposal units and a buffer zone. "Disposal unit" 1208
means a discrete portion of such a facility into which low-level 1209
radioactive waste is placed for disposal. 1210

(H) (1) Except as provided in division (H) (2) of this 1211
section, "facility" means the state, any political subdivision, 1212
person, public or private institution, or group, or any unit of 1213
one of those entities, but does not include the federal 1214

government or any of its agencies. 1215

(2) For the purposes of the disposal of low-level 1216
radioactive waste, "facility" has the same meaning as in section 1217
3747.01 of the Revised Code. 1218

(I) "Handle" means receive, possess, use, store, transfer, 1219
install, service, or dispose of sources of radiation unless 1220
possession is solely for the purpose of transportation. 1221

(J) "Handler" means a facility that handles sources of 1222
radiation unless possession is solely for the purpose of 1223
transportation. 1224

(K) "Inspection" means an official review, examination, or 1225
observation, including, without limitation, tests, surveys, and 1226
monitoring, that is used to determine compliance with rules, 1227
orders, requirements, and conditions of the department of health 1228
and that is conducted by the director of health. 1229

(L) "Low-level radioactive waste" has the same meaning as 1230
in section 3747.01 of the Revised Code with regard to the 1231
disposal of low-level radioactive waste. In regard to regulatory 1232
control at locations other than a disposal facility, "low-level 1233
radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b. 1234

(M) "Quality assurance program" means a program providing 1235
for verification by written procedures such as testing, 1236
auditing, and inspection to ensure that deficiencies, 1237
deviations, defective equipment, or unsafe practices, or a 1238
combination thereof, relating to the use, disposal, management, 1239
or manufacture of radiation sources are identified, promptly 1240
corrected, and reported to the appropriate regulatory 1241
authorities. 1242

(N) "Radiation" means ionizing and nonionizing radiation. 1243

(1) "Ionizing radiation" means gamma rays and X-rays, 1244
alpha and beta particles, high-speed electrons, neutrons, 1245
protons, and other nuclear particles, but does not include sound 1246
or radio waves or visible, infrared, or ultraviolet light. 1247

(2) "Nonionizing radiation" means any electromagnetic 1248
radiation, other than ionizing electromagnetic radiation, or any 1249
sonic, ultrasonic, or infrasonic wave. 1250

(O) "Radioactive material" means any solid, liquid, or 1251
gaseous material that emits ionizing radiation spontaneously. 1252
"Radioactive material" includes accelerator-produced and 1253
naturally occurring materials and byproduct, source, and special 1254
nuclear material. 1255

(P) "Radiation-generating equipment" means any 1256
manufactured product or device, or component of such a product 1257
or device, or any machine or system that during operation can 1258
generate or emit radiation, except those that emit radiation 1259
only from radioactive material. "Radiation-generating equipment" 1260
does not include either of the following: 1261

(1) Diathermy machines; 1262

(2) Microwave ovens, including food service microwave 1263
ovens used for commercial and industrial uses, television 1264
receivers, electric lamps, and other household appliances and 1265
products that generate very low levels of radiation. 1266

(Q) "Source material" means uranium, thorium, or any 1267
combination thereof in any physical or chemical form, or any 1268
ores that contain by weight at least one-twentieth of one per 1269
cent of uranium, thorium, or any combination thereof. "Source 1270
material" does not include special nuclear material. 1271

(R) "Source of radiation" means radioactive material or 1272

radiation-generating equipment. 1273

(S) "Special nuclear material" means either of the 1274
following: 1275

(1) Plutonium, uranium 233, uranium enriched in the 1276
isotope 233 or in the isotope 235, and any other material that 1277
the United States nuclear regulatory commission determines to be 1278
special nuclear material, but does not include source material 1279
pursuant to section 51 of the "Atomic Energy Act of 1954," 68 1280
Stat. 919, 42 U.S.C.A. 2071. 1281

(2) Except for any source material, any material 1282
artificially enriched by any of the materials identified in 1283
division (S)(1) of this section. 1284

(T) "Storage" means the retention of radioactive 1285
materials, including low-level radioactive waste, prior to 1286
disposal in a manner that allows for surveillance, control, and 1287
subsequent retrieval. 1288

(U) "Medical practitioner" means a person who is 1289
authorized pursuant to Chapter 4715. of the Revised Code to 1290
practice dentistry; pursuant to Chapter 4731. of the Revised 1291
Code to practice medicine and surgery, osteopathic medicine and 1292
surgery, or podiatric medicine and surgery; or pursuant to 1293
Chapter 4734. of the Revised Code to practice chiropractic. 1294

(V) "Medical-practitioner group" means a corporation, 1295
partnership, or other business entity, other than a hospital as 1296
defined in section 3727.01 of the Revised Code, consisting of 1297
medical practitioners. 1298

(W) "Naturally occurring radioactive material" means 1299
material that contains any nuclide that is radioactive in its 1300
natural physical state. "Naturally occurring radioactive 1301

material" does not include source material, byproduct material, 1302
or special nuclear material. 1303

(X) "Technologically enhanced naturally occurring 1304
radioactive material" means naturally occurring radioactive 1305
material with radionuclide concentrations that are increased by 1306
or as a result of past or present human activities. 1307
"Technologically enhanced naturally occurring radioactive 1308
material" does not include drill cuttings, natural background 1309
radiation, byproduct material, or source material. 1310

(Y) "Drill cuttings" means the soil, rock fragments, and 1311
pulverized material that are removed from a borehole and that 1312
may include a de minimus amount of fluid that results from a 1313
drilling process. 1314

Sec. 3748.04. The director of health, in accordance with 1315
Chapter 119. of the Revised Code, shall adopt and may amend or 1316
rescind rules doing all of the following: 1317

(A) Listing types of radioactive material for which 1318
licensure by its handler is required and types of radiation- 1319
generating equipment for which registration by its handler is 1320
required, and establishing requirements governing them. Rules 1321
adopted under division (A) of this section shall be compatible 1322
with applicable federal regulations and shall establish all of 1323
the following, without limitation: 1324

(1) Requirements governing both of the following: 1325

(a) The licensing and inspection of handlers of 1326
radioactive material. Standards established in rules adopted 1327
under division (A)(1)(a) of this section regarding byproduct 1328
material or any activity that results in the production of that 1329
material, to the extent practicable, shall be equivalent to or 1330

more stringent than applicable standards established by the 1331
United States nuclear regulatory commission. 1332

(b) The registration and inspection of handlers of 1333
radiation-generating equipment. Standards established in rules 1334
adopted under division (A) (1) (b) of this section, to the extent 1335
practicable, shall be equivalent to applicable standards 1336
established by the food and drug administration in the United 1337
States department of health and human services. 1338

(2) Identification of and requirements governing 1339
possession and use of specifically licensed and generally 1340
licensed quantities of radioactive material as either sealed 1341
sources or unsealed sources; 1342

(3) A procedure for the issuance of and the frequency of 1343
renewal of the licenses of handlers of radioactive material, 1344
other than a license for a facility for the disposal of low- 1345
level radioactive waste, and of the certificates of registration 1346
of handlers of radiation-generating equipment; 1347

(4) Procedures for suspending and revoking the licenses of 1348
handlers of radioactive material and the certificates of 1349
registration of handlers of radiation-generating equipment; 1350

(5) Criteria to be used by the director of health in 1351
amending the license of a handler of radioactive material or the 1352
certificate of registration of a handler of radiation-generating 1353
equipment subsequent to its issuance; 1354

(6) Criteria for achieving and maintaining compliance with 1355
this chapter and rules adopted under it by licensees and 1356
registrants; 1357

(7) Criteria governing environmental monitoring of 1358
licensed and registered activities to assess compliance with 1359

this chapter and rules adopted under it; 1360

(8) Fees for both of the following: 1361

(a) The licensing of handlers, other than facilities for 1362
the disposal of low-level radioactive waste, of radioactive 1363
material; 1364

(b) The registration of handlers, other than facilities 1365
that are, or are operated by, medical practitioners or medical- 1366
practitioner groups, of radiation-generating equipment. 1367

(9) A fee schedule for both of the following that includes 1368
fees for reviews, conducted during an inspection, of shielding 1369
plans or the adequacy of shielding: 1370

(a) The inspection of handlers of radioactive material; 1371

(b) The inspection of handlers, other than facilities that 1372
are, or are operated by, medical practitioners or medical- 1373
practitioner groups, of radiation-generating equipment. 1374

(B) (1) Identifying sources of radiation, circumstances of 1375
possession, use, or disposal of sources of radiation, and levels 1376
of radiation that constitute an unreasonable or unnecessary risk 1377
to human health or the environment; 1378

(2) Establishing requirements for the achievement and 1379
maintenance of compliance with standards for the receipt, 1380
possession, use, storage, installation, transfer, servicing, and 1381
disposal of sources of radiation to prevent levels of radiation 1382
that constitute an unreasonable or unnecessary risk to human 1383
health or the environment; 1384

(3) Requiring the maintenance of records on the receipt, 1385
use, storage, transfer, and disposal of radioactive material, 1386
including technologically enhanced naturally occurring 1387

radioactive material, and on the radiological safety aspects of 1388
the use and maintenance of radiation-generating equipment. The 1389
rules adopted under division (B) (3) of this section shall not 1390
require maintenance of records regarding naturally occurring 1391
radioactive material. 1392

In adopting rules under divisions (A) and (B) of this 1393
section, the director shall do the following: use standards no 1394
less stringent than the regulations adopted by the United States 1395
nuclear regulatory commission, the United States environmental 1396
protection agency, and the United States department of health 1397
and human services; consider reports of the national council on 1398
radiation protection and measurements and the relevant standards 1399
of the American national standards institute; and use the 1400
"Suggested State Regulations for Control of Radiation" prepared 1401
by the conference of radiation control program directors, inc., 1402
except that the director may deviate from those regulations if 1403
the director determines that doing so is warranted and does not 1404
pose a health, environmental, or safety risk. 1405

~~(C) Establishing fees, procedures, and requirements for~~ 1406
~~certification as a radiation expert, including all of the~~ 1407
~~following, without limitation:~~ 1408

~~(1) Minimum training and experience requirements;~~ 1409
~~(2) Procedures for applying for certification;~~ 1410
~~(3) Procedures for review of applications and issuance of~~ 1411
~~certificates;~~ 1412

~~(4) Procedures for suspending and revoking certification.~~ 1413

~~(D) Establishing a schedule for inspection of sources of~~ 1414
radiation and their shielding and surroundings; 1415

~~(F)~~ (D) Establishing the responsibilities of a radiation expert; 1416
1417

~~(F)~~ (E) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment; 1418
1419
1420

~~(G)~~ (F) Establishing fees to be paid by any facility that, 1421
on September 8, 1995, holds a license from the United States 1422
nuclear regulatory commission in order to provide moneys 1423
necessary for the transfer of licensing and other regulatory 1424
authority from the commission to the state pursuant to section 1425
3748.03 of the Revised Code. Rules adopted under this division 1426
shall stipulate that fees so established do not apply to any 1427
functions dealing specifically with a facility for the disposal 1428
of low-level radioactive waste. Fees collected under this 1429
division shall be deposited into the state treasury to the 1430
credit of the general operations fund created in section 3701.83 1431
of the Revised Code. The fees shall be used solely to administer 1432
and enforce this chapter and rules adopted under it. 1433

~~(H)~~ (G) Establishing fees to be collected annually from 1434
generators of low-level radioactive waste, which shall be based 1435
upon the volume and radioactivity of the waste generated and the 1436
costs of administering low-level radioactive waste management 1437
activities under this chapter and rules adopted under it. All 1438
fees collected under this division shall be deposited into the 1439
state treasury to the credit of the general operations fund 1440
created in section 3701.83 of the Revised Code. The fees shall 1441
be used solely to administer and enforce this chapter and rules 1442
adopted under it. Any fee required under this division that 1443
remains unpaid on the ninety-first day after the original 1444
invoice date shall be assessed an additional amount equal to ten 1445

per cent of the original fee. 1446

~~(I)~~(H) Establishing requirements governing closure, 1447
decontamination, decommissioning, reclamation, and long-term 1448
surveillance and care of a facility licensed under this chapter 1449
and rules adopted under it. Rules adopted under division ~~(I)~~(H) 1450
of this section shall include, without limitation, all of the 1451
following: 1452

(1) Standards and procedures to ensure that a licensee 1453
prepares a decommissioning funding plan that provides an 1454
adequate financial guaranty to permit the completion of all 1455
requirements governing the closure, decontamination, 1456
decommissioning, and reclamation of sites, structures, and 1457
equipment used in conjunction with a licensed activity; 1458

(2) For licensed activities where radioactive material 1459
that will require surveillance or care is likely to remain at 1460
the site after the licensed activities cease, as indicated in 1461
the application for the license submitted under section 3748.07 1462
of the Revised Code, standards and procedures to ensure that the 1463
licensee prepares an additional decommissioning funding plan for 1464
long-term surveillance and care, before termination of the 1465
license, that provides an additional adequate financial guaranty 1466
as necessary to provide for that surveillance and care; 1467

(3) For the purposes of the decommissioning funding plans 1468
required in rules adopted under divisions ~~(I)~~(1) ~~(I)~~(H) (1) and (2) 1469
of this section, the types of acceptable financial guaranties, 1470
which shall include bonds issued by fidelity or surety companies 1471
authorized to do business in the state, certificates of deposit, 1472
deposits of government securities, irrevocable letters or lines 1473
of credit, trust funds, escrow accounts, or other similar types 1474
of arrangements, but shall not include any arrangement that 1475

constitutes self-insurance; 1476

(4) A requirement that the decommissioning funding plans 1477
required in rules adopted under divisions ~~(I)~~~~(1)~~ (H) (1) and (2) 1478
of this section contain financial guaranties in amounts 1479
sufficient to ensure compliance with any standards established 1480
by the United States nuclear regulatory commission, or by the 1481
state if it has become an agreement state pursuant to section 1482
3748.03 of the Revised Code, pertaining to closure, 1483
decontamination, decommissioning, reclamation, and long-term 1484
surveillance and care of licensed activities and sites of 1485
licensees. 1486

Standards established in rules adopted under division ~~(I)~~ 1487
(H) of this section regarding any activity that resulted in the 1488
production of byproduct material, as defined in division (A) (2) 1489
of section 3748.01 of the Revised Code, to the extent 1490
practicable, shall be equivalent to or more stringent than 1491
standards established by the United States nuclear regulatory 1492
commission for sites at which ores were processed primarily for 1493
their source material content and at which byproduct material, 1494
as defined in division (A) (2) of section 3748.01 of the Revised 1495
Code, is deposited. 1496

~~(J)~~ (I) Establishing criteria governing inspections of a 1497
facility for the disposal of low-level radioactive waste, 1498
including, without limitation, the establishment of a resident 1499
inspector program at such a facility; 1500

~~(K)~~ (J) Establishing requirements and procedures governing 1501
the filing of complaints under section 3748.16 of the Revised 1502
Code, including, without limitation, those governing 1503
intervention in a hearing held under division (B) (3) of that 1504
section; 1505

~~(I)~~(K) Establishing requirements governing technologically 1506
enhanced naturally occurring radioactive material. Rules adopted 1507
under this division shall not apply to naturally occurring 1508
radioactive material. 1509

Sec. 3748.11. (A) A facility that is licensed under this 1510
chapter and rules adopted under it, including a facility that is 1511
licensed for the disposal of low-level radioactive waste, shall 1512
comply with all applicable rules adopted under division ~~(I)~~(H) 1513
of section 3748.04 of the Revised Code governing closure, 1514
decontamination, decommissioning, reclamation, and long-term 1515
surveillance and care of its licensed activity. 1516

(B) Unless there is federal jurisdiction for oversight of 1517
closure, decontamination, decommissioning, reclamation, and 1518
long-term surveillance and care of a licensed activity, those 1519
actions are the responsibility of the state. 1520

(C) When the director of health finds that a licensee has 1521
failed to comply with all requirements governing closure, 1522
decontamination, decommissioning, and reclamation of its 1523
licensed activity, the director shall make a finding of that 1524
fact and declare any financial guaranty provided for in the 1525
licensee's decommissioning funding plan prepared in accordance 1526
with rules adopted under division ~~(I)~~(1)(H)(1) of section 1527
3748.04 of the Revised Code forfeited in the amount established 1528
by the director. The director shall certify the total forfeiture 1529
to the attorney general, who shall collect the amount. 1530

Except as otherwise provided in this section, moneys 1531
collected from forfeitures under this division shall be 1532
deposited into the state treasury to the credit of the radiation 1533
site closure and reclamation fund, which is hereby created. All 1534
investment earnings of the fund shall be credited to the fund. 1535

The director shall use moneys in the fund exclusively to 1536
complete actions necessary to comply with requirements governing 1537
closure, decontamination, decommissioning, and reclamation 1538
regarding licensed activities for which financial guaranties 1539
have been forfeited under this division. The director may enter 1540
into contracts for those purposes. 1541

(D) When the director finds that a licensee to whom 1542
standards and procedures established in rules adopted under 1543
division ~~(I)~~ ~~(2)~~ (H) (2) of section 3748.04 of the Revised Code 1544
apply has failed to comply with long-term surveillance and care 1545
requirements established in rules adopted under division (I) of 1546
that section, the director shall make a finding of that fact and 1547
declare any financial guaranty provided for in the licensee's 1548
decommissioning funding plan prepared in accordance with rules 1549
adopted under division (I) (2) of that section forfeited in the 1550
amount established by the director. The director shall certify 1551
the total forfeiture to the attorney general, who shall collect 1552
the amount. 1553

Except as otherwise provided in this section, moneys 1554
collected from forfeitures under this division shall be 1555
deposited into the state treasury to the credit of the radiation 1556
long-term care fund, which is hereby created. All investment 1557
earnings of the fund shall be credited to the fund. The director 1558
shall use moneys in the fund exclusively to complete actions 1559
necessary to comply with requirements governing long-term 1560
surveillance, care, and maintenance regarding licensed 1561
activities for which financial guaranties have been forfeited 1562
under this division. The director may enter into contracts for 1563
those purposes. 1564

(E) Moneys collected from the forfeiture of any financial 1565

guaranty under division (C) or (D) of this section by the 1566
licensee of a facility for the disposal of low-level radioactive 1567
waste shall be deposited into the state treasury to the credit 1568
of the long-term care fund created pursuant to section 3747.01 1569
of the Revised Code. 1570

Sec. 3748.13. (A) The director of health shall inspect 1571
sources of radiation for which licensure or registration by the 1572
handler is required, and the sources' shielding and 1573
surroundings, according to the schedule established in rules 1574
adopted under division ~~(D)~~(C) of section 3748.04 of the Revised 1575
Code. In accordance with rules adopted under section 3748.04 of 1576
the Revised Code, the director shall inspect all records and 1577
operating procedures of handlers that install or service sources 1578
of radiation and all sources of radiation for which licensure of 1579
radioactive material or registration of radiation-generating 1580
equipment by the handler is required. The director may make 1581
other inspections upon receiving complaints or other evidence of 1582
a violation of this chapter or rules adopted under it. 1583

The director shall require any hospital registered under 1584
division (A) of section 3701.07 of the Revised Code to develop 1585
and maintain a quality assurance program for all sources of 1586
radiation-generating equipment. A—The hospital shall designate a 1587
certified radiation expert shall—who meets the applicable 1588
qualifications in section 3748.131 of the Revised Code to 1589
conduct oversight and maintenance of the program and maintain a 1590
record of such designation and the expert's qualifications. The 1591
certified radiation expert shall file a report of audits of the 1592
program with the director on forms prescribed by the director. 1593
The audit reports shall become part of the inspection record. 1594

(B) (1) Except as provided in division (B) (2) of this 1595

section, a facility shall pay inspection fees for radioactive 1596
material and radiation-generating equipment according to the 1597
schedule and categories established in rules adopted under 1598
division (A) (9) of section 3748.04 of the Revised Code. 1599

(2) A facility that is, or is operated by, a medical 1600
practitioner or medical-practitioner group shall pay inspection 1601
fees for radiation-generating equipment according to the 1602
following schedule and categories: 1603
1604

| | 1 | 2 |
|---|--|------------|
| A | First dental x-ray tube | \$310.00 |
| B | Each additional dental x-ray tube at the same location | \$154.00 |
| C | First medical x-ray tube | \$614.00 |
| D | Each additional medical x-ray tube at the same location | \$326.00 |
| E | Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak | \$1,220.00 |
| F | First nonionizing radiation-generating equipment of any kind | \$614.00 |
| G | Each additional nonionizing radiation- generating equipment of any kind at the same location | \$326.00 |

(C) (1) Except as provided in division (C) (2) of this 1605

section, the fee for the inspection of a facility that proposes 1606
to handle radioactive material or radiation-generating equipment 1607
and is not licensed or registered, and for which no license or 1608
registration application is pending at the time of inspection, 1609
is four hundred seventy-four dollars plus the applicable fee 1610
specified in rules adopted under division (A) (9) of section 1611
3748.04 of the Revised Code. 1612

(2) For a facility that is, or is operated by, a medical 1613
practitioner or medical-practitioner group and proposes to 1614
handle radiation-generating equipment, the fee for an inspection 1615
if the facility is not licensed or registered, and no license or 1616
registration is pending at the time of inspection, is four 1617
hundred seventy-four dollars plus the fee applicable under the 1618
schedule in division (B) (2) of this section. 1619

(D) (1) Except as provided in division (D) (2) of this 1620
section, for a facility that handles radioactive material or 1621
radiation-generating equipment, the fee for an inspection to 1622
determine whether violations cited in a previous inspection have 1623
been corrected is the amount specified in rules adopted under 1624
division (A) (9) of section 3748.04 of the Revised Code. 1625

(2) For a facility that is, or is operated by, a medical 1626
practitioner or medical-practitioner group and handles 1627
radiation-generating equipment, the fee for an inspection to 1628
determine whether violations cited in a previous inspection have 1629
been corrected is fifty per cent of the applicable fee under the 1630
schedule in division (B) (2) of this section. 1631

(E) The director may conduct a review of shielding plans 1632
or the adequacy of shielding on the request of a licensee or 1633
registrant or an applicant for licensure or registration or 1634
during an inspection when the director considers a review to be 1635

necessary. 1636

(1) Except as provided in division (E) (2) of this section, 1637
the fee for the review is the applicable amount specified in 1638
rules adopted under division (A) (9) of section 3748.04 of the 1639
Revised Code. 1640

(2) For a facility that is, or is operated by, a medical 1641
practitioner or medical-practitioner group and handles or 1642
proposes to handle radiation-generating equipment, the fee for 1643
the review is seven hundred sixty-two dollars for each room 1644
where a source of radiation is used and is in addition to any 1645
other fee applicable under the schedule in division (B) (2) of 1646
this section. 1647

(F) All fees shall be paid to the department of health no 1648
later than thirty days after the invoice for the fee is mailed. 1649
Fees shall be deposited in the general operations fund created 1650
in section 3701.83 of the Revised Code. The fees shall be used 1651
solely to administer and enforce this chapter and rules adopted 1652
under it. 1653

(G) Any fee required under this section that remains 1654
unpaid on the ninety-first day after the original invoice date 1655
shall be assessed an additional amount equal to ten per cent of 1656
the original fee. 1657

(H) If the director determines that a board of health of a 1658
city or general health district is qualified to conduct 1659
inspections of radiation-generating equipment, the director may 1660
delegate to the board, by contract, the authority to conduct 1661
such inspections. In making a determination of the 1662
qualifications of a board of health to conduct those 1663
inspections, the director shall evaluate the credentials of the 1664

individuals who are to conduct the inspections of radiation- 1665
generating equipment and the radiation detection and measuring 1666
equipment available to them for that purpose. If a contract is 1667
entered into, the board shall have the same authority to make 1668
inspections of radiation-generating equipment as the director 1669
has under this chapter and rules adopted under it. The contract 1670
shall stipulate that only individuals approved by the director 1671
as qualified shall be permitted to inspect radiation-generating 1672
equipment under the contract's provisions. The contract shall 1673
provide for such compensation for services as is agreed to by 1674
the director and the board of health of the contracting health 1675
district. The director may reevaluate the credentials of the 1676
inspection personnel and their radiation detecting and measuring 1677
equipment as often as the director considers necessary and may 1678
terminate any contract with the board of health of any health 1679
district that, in the director's opinion, is not satisfactorily 1680
performing the terms of the contract. 1681

(I) The director may enter at all reasonable times upon 1682
any public or private property to determine compliance with this 1683
chapter and rules adopted under it. 1684

Sec. 3748.131. (A) A certified radiation expert in 1685
therapeutic radiation-generating equipment shall meet one or 1686
more of the following qualifications to oversee a quality 1687
assurance program under section 3748.13 of the Revised Code: 1688

(1) Possess a valid, unexpired certification from the 1689
American board of radiology in therapeutic radiologic physics, 1690
therapeutic medical physics, or radiologic physics; 1691

(2) Possess a valid, unexpired certification from the 1692
American board of medical physics in radiation oncology physics; 1693

(3) Possess a valid, unexpired certification from the 1694
Canadian college of physicists in medicine in radiation oncology 1695
physics; 1696

(4) Satisfy both of the following requirements: 1697

(a) Hold a master's or doctorate degree in physics, 1698
medical physics, other physical science, engineering, or applied 1699
mathematics from an accredited college or university or an 1700
equivalent degree from a college or university located outside 1701
the United States approved by the department of education and 1702
workforce or the United States department of education; 1703

(b) Complete an applicable clinical residency from an 1704
accredited program or one year of full-time training in medical 1705
physics and one year of full-time work experience at a medical 1706
institution under the supervision of a medical physicist who 1707
holds a certification under division (A) (1), (2), or (3) of this 1708
section. 1709

(B) A certified radiation expert in diagnostic radiation- 1710
generating equipment shall meet one or more of the following 1711
qualifications to oversee a quality assurance program under 1712
section 3748.13 of the Revised Code: 1713

(1) Possess a valid, unexpired certification from the 1714
American board of radiology in radiologic physics, diagnostic 1715
radiologic physics, or diagnostic medical physics; 1716

(2) Possess a valid, unexpired certification from the 1717
American board of medical physics in medical physics with a 1718
specialty in diagnostic imaging physics; 1719

(3) Satisfy both of the following requirements: 1720

(a) Hold a master's or doctorate degree in physics, 1721

biophysics, medical physics, radiological physics or health 1722
physics, engineering, or applied mathematics with a minor in 1723
physics from an accredited college or university or an 1724
equivalent degree from a college or university located outside 1725
the United States approved by the department of education and 1726
workforce or the United States department of education; 1727

(b) Complete an applicable clinical residency from an 1728
accredited program or one year of full-time training in medical 1729
physics and one year of full-time work experience under the 1730
direct supervision of a certified radiation expert in diagnostic 1731
radiation-generating equipment. 1732

(C) A certified radiation expert in mammography radiation- 1733
generating equipment shall meet one or more of the following 1734
qualifications to oversee a quality assurance program under 1735
section 3748.13 of the Revised Code: 1736

(1) Possess a valid, unexpired certification from the 1737
American board of radiology in radiologic physics, diagnostic 1738
radiologic physics, or diagnostic medical physics; 1739

(2) Possess a valid, unexpired certification from the 1740
American board of medical physics with a specialty in diagnostic 1741
imaging physics; 1742

(3) Satisfy all of the following requirements: 1743

(a) Hold a master's degree or higher in a physical science 1744
from an accredited college or university or an equivalent degree 1745
from a college or university located outside the United States 1746
approved by the department of education and workforce or the 1747
United States department of education; 1748

(b) Complete twenty semester hours or thirty quarter hours 1749
of graduate or undergraduate level physics and twenty contact 1750

hours of documented specialized training in conducting surveys 1751
of mammography facilities; 1752

(c) Demonstrate experience in conducting surveys of at 1753
least ten mammography x-ray units under the direct supervision 1754
of a certified radiation expert in mammography radiation- 1755
generating equipment. 1756

Sec. 3748.16. (A) (1) The director of health shall conduct 1757
regular inspections of the facility for the disposal of low- 1758
level radioactive waste in accordance with rules adopted under 1759
division ~~(J)~~(I) of section 3748.04 of the Revised Code and, in 1760
accordance with those rules, shall provide for at least one 1761
resident inspector at the facility. 1762

(2) Concentrations of radioactive materials released into 1763
the environment during operation, closure, institutional 1764
control, and long-term care of the facility shall be kept as low 1765
as are reasonably achievable and shall not exceed levels 1766
established in rules adopted under division (A) (7) of section 1767
3748.04 of the Revised Code or the standards set forth in 10 1768
C.F.R. 61.41, whichever are more stringent. The director shall 1769
establish a program to monitor concentrations of radioactive 1770
materials so released and shall conduct an investigation if 1771
monitoring results indicate concentrations of radioactive 1772
materials at levels that are greater than the established 1773
background for a monitoring point to determine the source of the 1774
increased radiation level. 1775

(B) (1) An officer of an agency of the state or of a 1776
political subdivision, acting in the officer's representative 1777
capacity, or any person may file a written complaint with the 1778
director, in accordance with rules adopted under division ~~(K)~~(J) 1779
of section 3748.04 of the Revised Code, regarding the failure or 1780

alleged failure of the facility for the disposal of low-level 1781
radioactive waste to comply with health or safety requirements 1782
established under this chapter or Chapter 3747. of the Revised 1783
Code or rules adopted under them. The complaint shall be 1784
verified by an affidavit of the complainant or the complainant's 1785
agent or attorney. The affidavit may be made before any person 1786
authorized by law to administer oaths and shall be signed by the 1787
officer or person who makes it. The person before whom it was 1788
taken shall certify that it was sworn to before that person and 1789
signed in that person's presence, and the certificate signed 1790
officially by that person shall be evidence that the affidavit 1791
was made, that the name of the officer or person was written by 1792
that officer or person, and that the signer was that officer or 1793
person. 1794

(2) Upon receipt of a complaint under division (B) (1) of 1795
this section, the director shall cause a prompt investigation to 1796
be conducted as is reasonably necessary to determine whether the 1797
facility has failed or is failing to comply with the health or 1798
safety requirements identified in the complaint. The 1799
investigation shall include a discussion of the complaint with 1800
the contractor. 1801

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

the complainant's intent to participate. Any other person may be 1812
permitted to intervene upon the granting by the director or 1813
hearing examiner of a motion to intervene filed in accordance 1814
with rules adopted under division ~~(K)~~ (J) of section 3748.04 of 1815
the Revised Code. 1816

If the director does not hold a hearing, the director 1817
shall provide an opportunity to the complainant and the 1818
contractor to attend a conference with the director concerning 1819
the complaint. 1820

(4) Following the completion of the investigation under 1821
division (B) (2) of this section and the hearing or conference 1822
under division (B) (3) of this section, if the director 1823
determines that the facility is in compliance with the health or 1824
safety requirements identified in the complaint, the director 1825
shall dismiss the complaint. If the director determines that the 1826
facility is not in compliance with those requirements, the 1827
director shall issue an order under division (B) (4) of section 1828
3748.05 of the Revised Code requiring the contractor to bring 1829
the facility into compliance and to submit a written discussion 1830
of how that will be accomplished. The director also may do any 1831
or all of the following: 1832

(a) Suspend or revoke the facility's license in accordance 1833
with rules adopted under division (A) of section 3748.04 of the 1834
Revised Code; 1835

(b) Issue an order assessing an administrative penalty in 1836
accordance with rules adopted under division (A) (6) of section 1837
3748.05 of the Revised Code; 1838

(c) Request the attorney general, in writing, to commence 1839
appropriate legal proceedings, including a civil action for 1840

imposition of a civil penalty under section 3748.19 of the 1841
Revised Code and criminal prosecution. 1842

(C) If the director suspends or revokes the license of the 1843
facility for the disposal of low-level radioactive waste for any 1844
reason in accordance with rules adopted under division (A) or 1845
(B) of section 3748.04 of the Revised Code, the contractor shall 1846
indemnify the state for any loss suffered by the state as a 1847
result of the lack of disposal capacity for low-level 1848
radioactive waste that otherwise would have been disposed of at 1849
the facility. 1850

(D) The provisions of division (A) of this section 1851
establishing requirements governing the director and divisions 1852
(B) and (C) of this section apply only if the state becomes an 1853
agreement state pursuant to section 3748.03 of the Revised Code. 1854

Sec. 3773.31. As used in sections 3773.31 to 3773.57 of 1855
the Revised Code: 1856

(A) "Professional boxer" means a boxer who competes for a 1857
prize, in cash or otherwise, that has a value of more than 1858
twenty-five dollars. 1859

(B) "Amateur" means a contestant who does not compete for 1860
a prize, in cash or otherwise, that has a value of more than 1861
twenty-five dollars. 1862

(C) "Contestant" means a contestant in a public boxing 1863
match or exhibition. 1864

(D) "Public boxing match or exhibition" means any public 1865
or private competition that involves the sports of boxing, kick 1866
boxing, karate, ~~tough man contests or tough guy contests,~~ or any 1867
other form of boxing or martial arts, but does not include 1868
professional wrestling. 1869

(E) "Tough man contests or tough guy contests" means any
competition that involves any physical contact bout between two
or more individuals who attempt to knock out the opponent by
using boxing, kicking, or choking techniques or martial arts
tactics or any combination of such techniques and tactics.

(F) "Public boxing or wrestling match or exhibition" means
any public or private competition that involves the sports of
boxing, kick boxing, karate, ~~tough man contests or tough guy~~
~~contests~~, professional wrestling, or any other form of boxing or
martial arts.

(G) "Boxing match or exhibition" means a public or private
competition pertaining to the sport of boxing.

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.

Sec. 3773.33. (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.

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 1899
political party, and two nonvoting members, one of whom shall be 1900
a member of the senate appointed by and to serve at the pleasure 1901
of the president of the senate and one of whom shall be a member 1902
of the house of representatives appointed by and to serve at the 1903
pleasure of the speaker of the house of representatives. To be 1904
eligible for appointment as a voting member, a person shall be a 1905
qualified elector and a resident of the state for not less than 1906
five years immediately preceding the person's appointment. Two 1907
voting members shall be knowledgeable in boxing and mixed 1908
martial arts. One commission member shall hold the degree of 1909
doctor of medicine or doctor of osteopathy. 1910

(B) No person shall be appointed to the commission or be 1911
an employee of the commission who is licensed, registered, or 1912
regulated by the commission. No member shall have any legal or 1913
beneficial interest, direct or indirect, pecuniary or otherwise, 1914
in any person who is licensed, registered, or regulated by the 1915
commission or who participates in prize fights or public boxing 1916
or wrestling matches or exhibitions. No member shall participate 1917
in any fight, match, or exhibition other than in the member's 1918
official capacity as a member of the commission, ~~or as an~~ 1919
~~inspector as authorized in section 3773.52 of the Revised Code.~~ 1920

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

member was appointed. Any member appointed to fill a vacancy 1930
occurring prior to the expiration of the term for which the 1931
member's predecessor was appointed shall hold office for the 1932
remainder of the term. Any member shall continue in office 1933
subsequent to the expiration date of the member's term until the 1934
member's successor takes office. 1935

The governor shall name one voting member as chairperson 1936
of the commission at the time of making the appointment of any 1937
member for a full term. Three voting members shall constitute a 1938
quorum, and the affirmative vote of the majority of voting 1939
members shall be necessary for any action taken by the 1940
commission. No vacancy on the commission impairs the authority 1941
of the remaining members to exercise all powers of the 1942
commission. 1943

Voting members, when engaged in commission duties, shall 1944
receive a per diem compensation determined in accordance with 1945
division (J) of section 124.15 of the Revised Code, and all 1946
members shall receive their actual and necessary expenses 1947
incurred in the performance of their official duties. 1948

Each voting member, before entering upon the discharge of 1949
the member's duties, shall file a surety bond payable to the 1950
treasurer of state in the sum of ten thousand dollars. Each 1951
surety bond shall be conditioned upon the faithful performance 1952
of the duties of the office, executed by a surety company 1953
authorized to transact business in this state, and filed in the 1954
office of the secretary of state. 1955

The governor may remove any voting member for malfeasance, 1956
misfeasance, or nonfeasance in office after giving the member a 1957
copy of the charges against the member and affording the member 1958
an opportunity for a public hearing, at which the member may be 1959

represented by counsel, upon not less than ten days' notice. If 1960
the member is removed, the governor shall file a complete 1961
statement of all charges made against the member and the 1962
governor's finding on the charges in the office of the secretary 1963
of state, together with a complete report of the proceedings. 1964
The governor's decision shall be final. 1965

Sec. 3773.34. (A) The Ohio athletic commission shall adopt 1966
and may amend or rescind rules in accordance with Chapter 119. 1967
of the Revised Code, prescribing the conditions under which 1968
prize fights and public boxing or wrestling matches or 1969
exhibitions may be conducted, classifying professional boxers by 1970
weight, and providing for the administration of sections 3773.31 1971
to 3773.57 of the Revised Code. The rules may require that an 1972
applicant for a contestant's license to participate in a public 1973
boxing match or exhibition take an HIV test, as defined in 1974
section 3701.24 of the Revised Code, before being issued the 1975
contestant's license and may require that a licensed contestant 1976
take such an HIV test before participating in a public boxing 1977
match or exhibition. The commission, or the ~~commission's~~ 1978
~~executive director~~ administrator of athletics when authorized by 1979
the commission, may issue, deny, suspend, or revoke permits to 1980
hold prize fights and public boxing or wrestling matches or 1981
exhibitions. The commission, or the administrator when 1982
authorized by the commission, may issue, deny, suspend, or 1983
revoke licenses to persons engaged in any public boxing match or 1984
exhibition as authorized by sections 3773.31 to 3773.57 of the 1985
Revised Code. 1986

(B) In addition to the duties set forth in this chapter, 1987
the Ohio athletic commission and the administrator shall take 1988
action as necessary to carry out the provisions of Chapter 4771. 1989
of the Revised Code governing athlete agents. 1990

(C) On or before the thirty-first day of December of each year, the commission shall make a report to the governor of its proceedings for the year ending on the first day of December of that calendar year, and may include in the report any recommendations pertaining to its duties.

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

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

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

Sec. 3773.35. Any person who wishes to conduct a public or private competition that involves boxing, wrestling, mixed martial arts, kick boxing, ~~tough man contests, tough guy contests,~~ or any other form of boxing or martial arts shall apply to the ~~Ohio athletic commission~~ administrator of athletics for a promoter's license. Each application shall be filed with the ~~commission~~ administrator on forms provided by the ~~commission~~ administrator, and shall be accompanied by an application fee as prescribed in section 3773.43 of the Revised

Code and, with the exception of wrestling events, by a surety 2021
bond of not less than twenty thousand dollars conditioned for 2022
compliance with sections 3773.31 to 3773.57 of the Revised Code 2023
and the rules of the Ohio athletic commission. 2024

The commission shall prescribe the form of the application 2025
for the promoter's license. The application shall include the 2026
name of the applicant, the post office address of the applicant, 2027
and any other information the commission requires. 2028

Sec. 3773.36. (A) Upon the proper filing of an application 2029
to conduct any public or private competition that involves 2030
boxing, mixed martial arts, kick boxing, ~~tough man contests,~~ 2031
~~tough guy contests,~~ or any other form of boxing or martial arts, 2032
accompanied by the surety bond and the application fee, or upon 2033
the proper filing of an application to conduct any public or 2034
private competition that involves wrestling accompanied by the 2035
application fee, the ~~Ohio athletic commission administrator of~~ 2036
athletics shall issue a promoter's license to the applicant if 2037
~~it the administrator~~ finds that the applicant is not in default 2038
on any payment, obligation, or debt payable to the state under 2039
sections 3773.31 to 3773.57 of the Revised Code, is financially 2040
responsible, and is knowledgeable in the proper conduct of such 2041
matches or exhibitions. 2042

(B) Notwithstanding the requirements for a license under 2043
division (A) of this section, the ~~commission administrator~~ shall 2044
issue a promoter's license in accordance with Chapter 4796. of 2045
the Revised Code to an applicant if either of the following 2046
applies: 2047

(1) The applicant holds a license in another state. 2048

(2) The applicant has satisfactory work experience, a 2049

government certification, or a private certification as 2050
described in that chapter as a promoter in a state that does not 2051
issue that license. 2052

(C) Each license issued pursuant to this section shall 2053
bear the name of the licensee, the post office address of the 2054
licensee, the date of expiration, an identification number 2055
designated by the ~~commission~~ administrator, and the seal of the 2056
~~commission~~ department of commerce. 2057

(D) A promoter's license shall expire twelve months after 2058
its date of issuance and shall become invalid on that date 2059
unless renewed. A promoter's license may be renewed upon 2060
application to the ~~commission~~ administrator and upon payment of 2061
the renewal fee prescribed in section 3773.43 of the Revised 2062
Code. The ~~commission~~ administrator shall renew the license 2063
unless ~~it~~ the administrator denies the application for renewal 2064
for one or more reasons stated in section 3123.47 or 3773.53 of 2065
the Revised Code. 2066

Sec. 3773.37. The ~~Ohio athletic commission~~ administrator 2067
of athletics shall cause a photograph with identification of any 2068
person signing the application for a license under section 2069
3773.35 or 3773.41 of the Revised Code to be taken in duplicate 2070
and filed with the commission. ~~For purposes of this section,~~ 2071
the ~~commission~~ administrator may allow a photograph with 2072
identification to be a photocopy of a valid commercial driver's 2073
license issued under Chapter 4506. or a driver's license issued 2074
under Chapter 4507. of the Revised Code. 2075

Sec. 3773.38. Each person who holds a promoter's license 2076
issued under section 3773.36 of the Revised Code who desires to 2077
conduct a public boxing or wrestling match or exhibition where 2078
one or more contests are to be held shall obtain a permit from 2079

the Ohio athletic commission or the ~~commission's executive-~~ 2080
~~director~~ administrator of athletics when the ~~executive director-~~ 2081
administrator is authorized by the commission to issue those 2082
types of permits. Application for such a permit shall be made in 2083
writing and on forms prescribed by the commission, shall be 2084
filed with the commission or the administrator, and shall be 2085
accompanied by the permit fee prescribed in section 3773.43 of 2086
the Revised Code. 2087

The application for a permit issued under this section 2088
shall include the date and starting time of the match or 2089
exhibition, the address of the place where the match or 2090
exhibition is to be held, the names of the contestants, the 2091
seating capacity of the building or hall where the exhibition is 2092
to be held, the admission charge or any other charges, the 2093
amount of compensation or the percentage of gate receipts to be 2094
paid to each contestant, the name and address of the applicant, 2095
a copy of the current official rules that govern the particular 2096
sport, and the serial number of the applicant's promoter's 2097
license. 2098

The commission, or the ~~commission's executive director-~~ 2099
administrator when authorized by the commission, may require the 2100
applicant to deposit with the commission or the administrator 2101
before a public boxing match or exhibition a cash bond, 2102
certified check, bank draft, or surety bond in an amount equal 2103
to five per cent of the estimated gross receipts from the match 2104
or exhibition. 2105

Sec. 3773.39. (A) Upon receipt of an application for a 2106
permit to hold a public boxing or wrestling match or exhibition 2107
under section 3773.38 of the Revised Code, the Ohio athletic 2108
commission, or the ~~commission's executive director-~~ administrator 2109

of athletics when authorized by the commission, shall determine 2110
if the applicant holds a valid promoter's license issued 2111
pursuant to section 3773.36 of the Revised Code. Upon receipt of 2112
an application for a permit to hold a public boxing match or 2113
exhibition, the commission, or the ~~commission's executive~~ 2114
~~director~~ administrator when authorized by the commission, also 2115
shall determine if the contestants are evenly and fairly matched 2116
according to skill, experience, and weight so as to produce a 2117
fair and sportsmanlike contest, and whether the applicant is 2118
financially responsible and is able to pay to each contestant 2119
the compensation or percentage of the gate receipts named in the 2120
application. The commission, or the ~~commission's executive~~ 2121
~~director~~ administrator when authorized by the commission, may, 2122
if applicable, require the applicant to deposit with it within 2123
forty-eight hours before the match or exhibition the total 2124
compensation or estimated portion of gate receipts to be paid 2125
all contestants named in the application made under section 2126
3773.38 of the Revised Code. 2127

(B) If the commission, or the ~~commission's executive~~ 2128
~~director~~ administrator when authorized by the commission, 2129
determines that the applicant has met all the requirements 2130
specified in division (A) of this section, the commission or 2131
~~executive director~~ the administrator shall issue the applicant a 2132
permit to conduct the match or exhibition. If the applicant 2133
fails to deposit any compensation or portion of gate receipts 2134
required by the commission, or ~~executive director~~ the 2135
administrator before the first contest of the match or 2136
exhibition is held, the commission, or the ~~commission's~~ 2137
~~executive director~~ administrator when authorized by the 2138
commission, may revoke the permit and order the applicant not to 2139
conduct the match or exhibition described in the permit. 2140

(C) Each permit issued pursuant to this section shall bear 2141
the name and post office address of the applicant, the address 2142
of the place where the public boxing or wrestling match or 2143
exhibition is to be held, the date and starting time of the 2144
match or exhibition, and a serial number designated by the 2145
commission or the administrator when authorized by the 2146
commission. 2147

A permit issued under this section shall allow the permit 2148
holder to conduct only the match or exhibition named in the 2149
permit. A permit is not transferable. 2150

Sec. 3773.40. No person who holds a promoter's license to 2151
conduct a public boxing match or exhibition under section 2152
3773.36 of the Revised Code shall: 2153

(A) Hold any match or exhibition at any time or place 2154
other than that stated on a permit issued under section 3773.38 2155
of the Revised Code; 2156

(B) Allow any contestant to participate in the match or 2157
exhibition unless the contestant is the licensed contestant 2158
named in the application for such permit or a licensed 2159
contestant authorized to compete as a substitute for such a 2160
contestant by the inspector assigned to the facility where the 2161
match or exhibition is held for that match or exhibition; 2162

(C) Charge a higher admission price for a match or 2163
exhibition than that stated in the application; 2164

(D) Pay a greater compensation or percentage of the gate 2165
receipts to any contestant than that stated in the application. 2166

The Ohio athletic commission, or the ~~commission's~~ 2167
~~executive director~~ administrator of athletics when authorized by 2168
the commission, upon application by a holder of a permit under 2169

section 3773.38 of the Revised Code, may allow the permit holder 2170
to hold the match or exhibition for which the permit was issued 2171
at an alternative site that is within the same municipal 2172
corporation or township and that offers substantially similar 2173
seating facilities, or allow the permit holder to substitute 2174
contestants or seconds, provided that the substitute contestants 2175
are evenly matched with their opponents in skill, experience, 2176
and weight. 2177

Sec. 3773.41. Any person who desires to participate in a 2178
public boxing match, mixed martial arts event, or any other 2179
unarmed combat sport regulated by the Ohio athletic commission 2180
as a referee, judge, matchmaker, timekeeper, or contestant, or 2181
as a manager, trainer, or second of a contestant, shall apply 2182
for a license from the ~~Ohio athletic commission~~ administrator of 2183
athletics. The application shall be on forms provided by the 2184
~~commission~~ administrator. Each application shall be accompanied 2185
by the application fee prescribed in section 3773.43 of the 2186
Revised Code. The applicant shall verify the application under 2187
oath. 2188

The commission shall prescribe the form of the application 2189
for a participant's license. The application shall include the 2190
correct and ring or assumed name, if any, of the applicant, the 2191
applicant's address, the applicant's date and place of birth, 2192
the applicant's occupation, and a copy of the applicant's win 2193
and loss record as a contestant, if applicable. 2194

Sec. 3773.42. Upon the proper filing of an application for 2195
a referee's, judge's, matchmaker's, timekeeper's, manager's, 2196
trainer's, contestant's, or second's license and payment of the 2197
applicable application fee, the ~~Ohio athletic commission~~ 2198
administrator of athletics shall issue the license to the 2199

applicant if ~~it~~ the administrator determines that the applicant 2200
is not likely to engage in acts detrimental to the fair and 2201
honest conduct of public boxing matches, mixed martial arts 2202
events, or any other unarmed combat sports regulated by the Ohio 2203
athletic commission and is qualified to hold such a license by 2204
reason of the applicant's knowledge and experience. 2205

A person shall not be determined to possess the knowledge 2206
and experience necessary to qualify that person to hold a 2207
referee's license unless all of the following conditions are 2208
met: 2209

(A) The person has completed such referee training 2210
requirements as the commission prescribes by rule. 2211

(B) The person possesses such experience requirements as 2212
the commission prescribes by rule. 2213

The ~~commission~~ administrator shall issue a referee's 2214
license to each person who meets the requirements of divisions 2215
(A) and (B) of this section. 2216

If upon the proper filing of an application for a 2217
contestant's license the ~~commission~~ administrator determines 2218
that the applicant is not likely to engage in acts detrimental 2219
to the conduct of public boxing matches, mixed martial arts 2220
events, or any other unarmed combat sports regulated by the 2221
commission and possesses sufficient knowledge and experience, 2222
the ~~commission~~ administrator shall issue the license to the 2223
applicant. 2224

Each license issued pursuant to this section shall bear 2225
the correct name, or assumed name, if any, of the licensee, the 2226
address of the licensee, the date of issue, and a number 2227
designated by the ~~commission~~ administrator. 2228

A license issued pursuant to this section shall expire 2229
twelve months after its date of issue unless renewed. Upon 2230
application for renewal and payment of the renewal fee 2231
prescribed in section 3773.43 of the Revised Code, the 2232
~~commission administrator~~ shall renew the license unless ~~it the~~ 2233
administrator denies the application for one or more reasons 2234
stated in section 3123.47 or 3773.53 of the Revised Code. 2235

Sec. 3773.421. The ~~Ohio athletic commission administrator~~ 2236
of athletics shall issue a referee's, judge's, matchmaker's, 2237
timekeeper's, manager's, trainer's, contestant's, or second's 2238
license in accordance with Chapter 4796. of the Revised Code to 2239
an applicant if either of the following applies: 2240

(A) The applicant holds a license in another state. 2241

(B) The applicant has satisfactory work experience, a 2242
government certification, or a private certification as 2243
described in that chapter as a referee, judge, matchmaker, 2244
timekeeper, manager, trainer, contestant, or second in a state 2245
that does not issue that license. 2246

Sec. 3773.43. The Ohio athletic commission and the 2247
administrator of athletics shall charge the following fees: 2248

(A) For an application for or renewal of a promoter's 2249
license for a public or private competition that involves 2250
boxing, mixed martial arts, kick boxing, ~~tough man contests,~~ 2251
~~tough guy contests,~~ or any other form of boxing or martial arts, 2252
one hundred dollars. 2253

(B) For an application for or renewal of a license to 2254
participate in a public boxing match or exhibition as a 2255
contestant, or as a referee, judge, matchmaker, manager, 2256
timekeeper, trainer, or second of a contestant, twenty dollars. 2257

(C) For a permit to conduct a public boxing match or 2258
exhibition, fifty dollars. 2259

(D) For an application for or renewal of a promoter's 2260
license for a public or private competition that involves 2261
wrestling, two hundred dollars. 2262

(E) For a permit to conduct a professional wrestling match 2263
or exhibition, one hundred dollars. 2264

The commission, subject to the approval of the controlling 2265
board, may establish fees in excess of the amounts provided in 2266
this section, provided that such fees do not exceed the amounts 2267
permitted by this section by more than fifty per cent. 2268

The fees prescribed by this section shall be paid to the 2269
treasurer of state, who shall deposit the fees in the 2270
occupational licensing and regulatory fund. 2271

Sec. 3773.45. (A) The Ohio athletic commission shall 2272
adopt, and may amend or rescind, rules that do both of the 2273
following: 2274

(1) Require the physical examination by appropriate 2275
medical personnel of each contestant in any public competition 2276
that involves boxing, mixed martial arts, kick boxing, karate, 2277
~~tough man contests,~~ or any other form of boxing or martial arts 2278
within a specified time period before and after the competition 2279
to determine whether the contestant is physically fit to compete 2280
in the competition under specified standards, has sustained 2281
physical injuries in the competition, or requires follow-up 2282
examination; and 2283

(2) Require the reporting of each examination to the 2284
~~commission~~ administrator of athletics. 2285

(B) No holder of a promoter's license shall conduct a 2286
boxing match or exhibition that exceeds twelve rounds. Each 2287
round shall be not more than three minutes in length. A period 2288
of at least one minute, during which no boxing or sparring takes 2289
place, shall occur between rounds. 2290

No holder of a promoter's license or a permit issued under 2291
section 3773.39 of the Revised Code shall allow a professional 2292
boxer to participate in more than twelve rounds of boxing within 2293
a period of seventy-two consecutive hours. For any match or 2294
exhibition or for a class of contestants, the commission may 2295
limit the number of rounds within the maximum of twelve rounds. 2296

(C) No person shall conduct a boxing match or exhibition 2297
unless a licensed referee appointed by the ~~commission~~ 2298
administrator and paid by the person is present. The referee 2299
shall direct and control the match or exhibition. Before each 2300
match or exhibition the referee shall obtain from each 2301
contestant the name of the contestant's chief second and shall 2302
hold the chief second responsible for the conduct of any 2303
assistant seconds during the match or exhibition. The referee 2304
may declare a prize, remuneration, or purse or any part thereof 2305
to which a contestant is otherwise entitled withheld if, in the 2306
referee's judgment, the contestant is not competing or did not 2307
compete honestly. A contestant may appeal the referee's decision 2308
in a hearing before the commission conducted in accordance with 2309
section 3773.52 of the Revised Code. 2310

(D) No person shall hold or conduct a boxing match or 2311
exhibition unless three licensed judges appointed by the 2312
~~commission~~ administrator and paid by the person are present. 2313
Each judge shall render a decision at the end of each match or 2314
exhibition. The judges shall determine the outcome of the match 2315

or exhibition, and their decision shall be final. 2316

(E) Each contestant in a boxing match or exhibition shall 2317
wear gloves weighing not less than six ounces during the boxing 2318
match or exhibition. 2319

Sec. 3773.51. ~~The Ohio athletic commission~~ director of 2320
commerce shall appoint from among licensed referees, physicians, 2321
timekeepers, and judges the officials for public boxing matches 2322
and exhibitions held under sections 3773.31 to 3773.57 of the 2323
Revised Code. These officials shall be employed by the 2324
~~commission director~~ as provided in section 3773.56 of the 2325
Revised Code and shall be paid by the person conducting the 2326
match or exhibition. 2327

Sec. 3773.52. ~~The Ohio athletic commission~~ director of 2328
commerce shall employ inspectors to attend each public boxing 2329
match or exhibition held under a permit issued under section 2330
3773.38 of the Revised Code. Only one inspector shall be 2331
assigned to any one facility for any one match or exhibition. 2332
~~Any member of the commission may act as an inspector, and when~~ 2333
~~acting as an inspector shall be paid as provided in this~~ 2334
~~section.~~ 2335

The inspector shall monitor the sale of tickets from the 2336
premises box office on the day of the match or exhibition and, 2337
immediately following the counting of the gross proceeds, obtain 2338
a box office statement from the person conducting the match or 2339
exhibition and mail it to the ~~commission~~ administrator of 2340
athletics. The inspector shall have complete access to any 2341
books, records, and papers pertaining to the match or 2342
exhibition. 2343

The inspector shall give bond in the sum of five thousand 2344

dollars with sufficient sureties to be approved by and made 2345
payable to the treasurer of state. The bond shall be filed with 2346
the secretary of state. The compensation of such inspector for 2347
attending a match or exhibition, and the inspector's actual and 2348
necessary travel expenses, shall be charged to the holder of the 2349
permit at whose facility the inspector serves. The inspector 2350
shall be paid a salary fixed in accordance with Chapter 124. of 2351
the Revised Code. 2352

The inspector may order a prize, remuneration, purse, or 2353
any part thereof withheld from a contestant if the inspector 2354
believes the contestant did not compete to the best of the 2355
contestant's ability. The inspector shall file any charges with 2356
the commission which shall hold an adjudication under Chapter 2357
119. of the Revised Code and issue a final order within thirty 2358
days after the inspector files charges. 2359

If the commission finds that the contestant did not 2360
compete to the best of the contestant's ability, it, or the 2361
administrator when authorized by the commission, may revoke the 2362
contestant's license. When a license is so revoked, any prize, 2363
remuneration, purse, or part thereof that the contestant 2364
otherwise would have received shall be paid to the commission 2365
and shall become the property of the state. 2366

Sec. 3773.53. The—On receiving a complaint of a violation 2367
of sections 3773.31 to 3773.57 of the Revised Code or a rule 2368
adopted by the Ohio athletic commission, the commission shall 2369
conduct an investigation of the complaint. If the commission 2370
finds reasonable cause to believe a violation occurred, the 2371
commission shall conduct a hearing in accordance with Chapter 2372
119. of the Revised Code to determine if a violation occurred. 2373
If the commission finds a violation occurred, the commission may 2374

revoke, or suspend, or ~~and~~ the administrator of athletics may 2375
refuse to renew, any license issued under sections 3773.31 to 2376
3773.57 of the Revised Code in accordance with Chapter 119. of 2377
the Revised Code if the licensee: 2378

(A) Has committed an act detrimental to any sport 2379
regulated by this chapter or to the public interest, 2380
convenience, or necessity; 2381

(B) Is associating or consorting with any person who has 2382
been convicted of a crime involving the sports regulated by the 2383
commission, including a conviction under ~~sections~~section 2384
2913.02, 2915.05, or 2921.02 of the Revised Code; 2385

(C) Is or has been consorting with bookmakers or gamblers, 2386
or has engaged in similar pursuits; 2387

(D) Is financially irresponsible; 2388

(E) Has been found guilty of any fraud or 2389
misrepresentation in connection with any sport regulated by this 2390
chapter; 2391

(F) Has violated any law with respect to any sport 2392
regulated by this chapter or any rule or order of the 2393
commission; 2394

(G) Has been convicted of or pleaded guilty to a violation 2395
of ~~sections~~section 2913.02, 2915.05, or 2921.02 of the Revised 2396
Code; 2397

(H) Has engaged in any other activity that the commission 2398
determines is detrimental to any sport regulated by this 2399
chapter; 2400

(I) Has otherwise violated sections 3773.31 to 3773.57 of 2401
the Revised Code or any rules adopted under those sections. 2402

The commission, in accordance with Chapter 119. of the 2403
Revised Code and in addition to any other action it may take 2404
under this chapter, may impose a fine in an amount to be 2405
determined by rule of the commission adopted under Chapter 119. 2406
of the Revised Code against any person licensed under sections 2407
3773.31 to 3773.57 of the Revised Code for a violation of any of 2408
these sections or a violation of any rule or order of the 2409
commission. The amount of fines collected shall be deposited 2410
into the general revenue fund. 2411

Sec. 3773.54. No person who conducts a public boxing match 2412
or exhibition to which sections 3773.31 to 3773.57 of the 2413
Revised Code apply shall fail to mail to the ~~Ohio athletic-~~ 2414
~~commission-administrator of athletics~~ a written report that 2415
shows the number of tickets sold for the match or exhibition and 2416
the amount of gross proceeds within twenty-four hours after the 2417
determination of the outcome of the match or exhibition. The 2418
person shall pay to the ~~commission-administrator~~ a tax of five 2419
per cent of the gross proceeds from the sale of tickets to the 2420
match or exhibition. The Ohio athletic commission shall adopt 2421
rules concerning the time of payment of such taxes. Such taxes 2422
shall be levied for the purpose of providing revenue with which 2423
the state may regulate boxing, kick boxing, karate, ~~tough-man-~~ 2424
~~contests or tough-guy contests,~~ wrestling, and any other form of 2425
boxing or martial arts. 2426

The ~~commission~~ administrator, before granting a promoter's 2427
license under section 3773.36 of the Revised Code to any person 2428
other than a promoter of professional wrestling, shall obtain 2429
from the applicant a bond in the sum of not less than one 2430
thousand dollars, to be approved in form and sufficiency of its 2431
sureties by the treasurer of state. The bond shall be payable to 2432
the treasurer of state and shall be conditioned for the payment 2433

of the tax imposed by this section. Upon the filing and approval 2434
of the bond, the treasurer of state shall issue to the applicant 2435
two copies of a certificate verifying the filing and approval. 2436
The applicant shall file one copy in the office of the 2437
~~commission~~administrator with the license application. No 2438
license shall be issued until the certificate is filed. 2439

Sec. 3773.55. If any person fails to make a report 2440
relating to a public boxing match or exhibition that is required 2441
under sections 3773.31 to 3773.57 of the Revised Code, or files 2442
a report under section 3773.54 of the Revised Code that the ~~Ohio~~ 2443
~~athletic commission~~administrator of athletics finds 2444
unsatisfactory, the ~~commission~~administrator may examine or 2445
cause to be examined the books and records of such person. The 2446
~~commission~~administrator may also subpoena and examine under 2447
oath any persons to determine the amount of gross proceeds for a 2448
match or exhibition and the amount of tax due. 2449

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

attorney general shall institute suit upon the bond filed 2465
pursuant to section 3773.35 of the Revised Code by a person who 2466
has defaulted on such taxes, interest, and expenses in order to 2467
recover such taxes, interest, and expenses. 2468

Sec. 3773.56. ~~The Ohio athletic commission director of~~ 2469
~~commerce may appoint an executive director and~~ 2470
employ such 2471
persons as are necessary to administer sections 3773.31 to 2472
3773.57 and Chapter 4771. of the Revised Code and fix their 2473
compensation. Such ~~executive director and~~ employees shall serve 2474
in the unclassified status and at the pleasure of the 2475
~~commission director.~~

All receipts received by the Ohio athletic commission or 2476
the administrator of athletics under sections 3773.31 to 3773.57 2477
of the Revised Code shall be deposited in the occupational 2478
licensing and regulatory fund. All vouchers of the commission 2479
shall be approved by the chairperson of the commission. 2480

Sec. 3773.57. The Ohio athletic commission and the 2481
~~commission's executive director~~ administrator of athletics shall 2482
not issue a license or permit to conduct public boxing or 2483
wrestling matches or exhibitions in a municipal corporation or 2484
the unincorporated portion of a township if the commission or 2485
the ~~commission's executive director~~ administrator determines 2486
that the legislative authority of the municipal corporation or 2487
board of township trustees has in effect an ordinance or 2488
resolution prohibiting such matches or exhibitions. 2489

Sec. 3773.59. On receipt of a notice pursuant to section 2490
3123.43 of the Revised Code, the Ohio athletic commission and 2491
the administrator of athletics shall comply with sections 2492
3123.41 to 3123.50 of the Revised Code and any applicable rules 2493
adopted under section 3123.63 of the Revised Code with respect 2494

to a license issued pursuant to this chapter. 2495

Sec. 3776.05. (A) A person seeking to register as an 2496
environmental health specialist or environmental health 2497
specialist in training shall submit an application to the 2498
director of health on a form prescribed by the director. Along 2499
with the application, the person shall submit the application 2500
fee prescribed in rules adopted under this chapter. 2501

(B) The director shall register an applicant as an 2502
environmental health specialist if the applicant complies with 2503
the examination requirements specified under section 3776.06 of 2504
the Revised Code and meets any of the following education and 2505
employment requirements: 2506

(1) Graduated from an accredited college or university 2507
with at least a baccalaureate degree, including at least forty- 2508
five quarter units or thirty semester units of science courses, 2509
including courses in life sciences, natural sciences, physical 2510
sciences, health sciences, or public health sciences ~~approved by~~ 2511
~~the director;~~ and completed at least ~~two years~~ one year of full- 2512
time employment as an environmental health specialist; 2513

(2) Graduated from an accredited college or university 2514
with at least a baccalaureate degree, completed a major in 2515
environmental health science which included an internship 2516
program approved by the director; and completed at least ~~one~~ 2517
~~year~~ six months of full-time employment as an environmental 2518
health specialist; 2519

(3) Graduated from an accredited college or university 2520
with a degree higher than a baccalaureate degree, including at 2521
least forty-five quarter units or thirty semester units of 2522
science courses, including courses in life sciences, natural 2523

sciences, physical sciences, health sciences, or public health 2524
sciences approved by the director; and completed at least one 2525
year of full-time employment as an environmental health 2526
specialist. 2527

(C) (1) The director shall register an applicant as an 2528
environmental health specialist in training if the applicant 2529
meets the educational qualifications of division (B) (1), (2), or 2530
(3) of this section, but does not meet the employment 2531
requirement of any such division. 2532

(2) An environmental health specialist in training shall 2533
apply for registration as an environmental health specialist 2534
within ~~four~~five years after registration as an environmental 2535
health specialist in training. The director may extend the 2536
registration of any environmental health specialist in training 2537
who furnishes, in writing, sufficient cause for not applying for 2538
registration as an environmental health specialist within the 2539
~~four-year~~five-year period. However, the director shall not 2540
extend the registration more than an additional two years beyond 2541
the ~~four-year~~five-year period. 2542

Sec. 4730.10. (A) Except as provided in division (C) of 2543
this section, an individual seeking a license to practice as a 2544
physician assistant shall file with the state medical board a 2545
written application on a form prescribed and supplied by the 2546
board. The application shall include all of the following: 2547

(1) The applicant's name, residential address, business 2548
address, if any, and social security number; 2549

(2) Satisfactory proof that the applicant meets the age 2550
requirement specified in division (A) (1) of section 4730.11 of 2551
the Revised Code; 2552

(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
(3) of that section;

(4) Any other information the board requires.

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

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

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

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

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

Applications shall be submitted to the board in a manner

prescribed by the board. Each application shall be accompanied 2582
by a biennial renewal fee of ~~two~~one hundred fifty dollars. The 2583
board shall deposit the fees in accordance with section 4731.24 2584
of the Revised Code. 2585

The applicant shall report any criminal offense that 2586
constitutes grounds for refusing to issue a license to practice 2587
under section 4730.25 of the Revised Code to which the applicant 2588
has pleaded guilty, of which the applicant has been found 2589
guilty, or for which the applicant has been found eligible for 2590
intervention in lieu of conviction, since last signing an 2591
application for a license to practice as a physician assistant. 2592

(B) To be eligible for renewal of a license, an applicant 2593
is subject to all of the following: 2594

(1) The applicant must certify to the board that the 2595
applicant has maintained certification by the national 2596
commission on certification of physician assistants or a 2597
successor organization that is recognized by the board by 2598
meeting the standards to hold current certification from the 2599
commission or its successor, including passing periodic 2600
recertification examinations; 2601

(2) Except as provided in section 5903.12 of the Revised 2602
Code, the applicant must certify to the board that the applicant 2603
is in compliance with the continuing medical education 2604
requirements necessary to hold current certification from the 2605
commission or its successor. 2606

(3) The applicant must comply with the renewal eligibility 2607
requirements established under section 4730.49 of the Revised 2608
Code that pertain to the applicant. 2609

(C) If an applicant submits a complete renewal application 2610

and qualifies for renewal pursuant to division (B) of this 2611
section, the board shall issue to the applicant a renewed 2612
license to practice as a physician assistant. 2613

(D) The board may require a random sample of physician 2614
assistants to submit materials documenting both of the 2615
following: 2616

(1) Certification by the national commission on 2617
certification of physician assistants or a successor 2618
organization that is recognized by the board; 2619

(2) Completion of the continuing medical education 2620
required to hold current certification from the commission or 2621
its successor. 2622

Division (D) of this section does not limit the board's 2623
authority to conduct investigations pursuant to section 4730.25 2624
of the Revised Code. 2625

(E) A license to practice that is not renewed on or before 2626
its expiration date is automatically suspended on its expiration 2627
date. Continued practice after suspension of the license shall 2628
be considered as practicing in violation of division (A) of 2629
section 4730.02 of the Revised Code. 2630

(F) If a license has been suspended pursuant to division 2631
(E) of this section for two years or less, it may be reinstated. 2632
The board shall reinstate a license suspended for failure to 2633
renew upon an applicant's submission of a renewal application, 2634
the biennial renewal fee, and any applicable monetary penalty. 2635

If a license has been suspended pursuant to division (E) 2636
of this section for more than two years, it may be restored. In 2637
accordance with section 4730.28 of the Revised Code, the board 2638
may restore a license suspended for failure to renew upon an 2639

applicant's submission of a restoration application, the 2640
biennial renewal fee, and any applicable monetary penalty and 2641
compliance with sections 4776.01 to 4776.04 of the Revised Code. 2642
The board shall not restore to an applicant a license to 2643
practice as a physician assistant unless the board, in its 2644
discretion, decides that the results of the criminal records 2645
check do not make the applicant ineligible for a license issued 2646
pursuant to section 4730.12 of the Revised Code. 2647

The penalty for reinstatement shall be fifty dollars and 2648
the penalty for restoration shall be one hundred dollars. The 2649
board shall deposit penalties in accordance with section 4731.24 2650
of the Revised Code. 2651

(G) (1) If, through a random sample conducted under 2652
division (D) of this section or through any other means, the 2653
board finds that an individual who certified completion of the 2654
continuing medical education required to renew, reinstate, 2655
restore, or reactivate a license to practice did not complete 2656
the requisite continuing medical education, the board may do 2657
either of the following: 2658

(a) Take disciplinary action against the individual under 2659
section 4730.25 of the Revised Code, impose a civil penalty, or 2660
both; 2661

(b) Permit the individual to agree in writing to complete 2662
the continuing medical education and pay a civil penalty. 2663

(2) The board's finding in any disciplinary action taken 2664
under division (G) (1) (a) of this section shall be made pursuant 2665
to an adjudication under Chapter 119. of the Revised Code and by 2666
an affirmative vote of not fewer than six of its members. 2667

(3) A civil penalty imposed under division (G) (1) (a) of 2668

this section or paid under division (G) (1) (b) of this section 2669
shall be in an amount specified by the board of not more than 2670
five thousand dollars. The board shall deposit civil penalties 2671
in accordance with section 4731.24 of the Revised Code. 2672

Sec. 4731.294. (A) The state medical board may issue, 2673
without examination, a special activity certificate to any 2674
nonresident ~~person~~ individual seeking to practice medicine and 2675
surgery or osteopathic medicine and surgery in conjunction with 2676
a special activity, program, or event taking place in this 2677
state. 2678

(B) An applicant for a special activity certificate shall 2679
submit evidence satisfactory to the board of all of the 2680
following: 2681

(1) The applicant holds a current, unrestricted license to 2682
practice medicine and surgery or osteopathic medicine and 2683
surgery issued by another state or country and ~~that~~, within the 2684
two-year period immediately preceding application, the applicant 2685
has done one of the following: 2686

(a) Actively practiced medicine and surgery or osteopathic 2687
medicine and surgery in the United States; 2688

(b) Participated in a graduate medical education program 2689
accredited by either the accreditation council for graduate 2690
medical education of the American medical association or the 2691
American osteopathic association; 2692

(c) Successfully passed the federation licensing 2693
examination established by the federation of state medical 2694
boards, a special examination established by the federation of 2695
state medical boards, or all parts of a standard medical 2696
licensing examination established for purposes of determining 2697

the competence of individuals to practice medicine and surgery 2698
or osteopathic medicine and surgery in the United States. 2699

(2) The applicant meets the same educational requirements 2700
that individuals must meet under sections 4731.09 and 4731.14 of 2701
the Revised Code. 2702

(3) The applicant's practice in conjunction with the 2703
special activity, program, or event will be in the public 2704
interest. 2705

(C) The applicant shall pay a fee of ~~one hundred twenty-~~ 2706
~~five-seventy-five~~ dollars, but only if the applicant expects to 2707
be compensated for practicing medicine and surgery or 2708
osteopathic medicine and surgery in conjunction with the special 2709
activity, event, or program for which a certificate may be 2710
issued. 2711

(D) The holder of a special activity certificate may 2712
practice medicine and surgery or osteopathic medicine and 2713
surgery only in conjunction with the special activity, event, or 2714
program for which the certificate is issued. The board may 2715
revoke a certificate on receiving proof satisfactory to the 2716
board that the holder of the certificate has engaged in practice 2717
in this state outside the scope of the certificate or that there 2718
are grounds for action against the certificate holder under 2719
section 4731.22 of the Revised Code. 2720

(E) ~~A~~ Each special activity certificate is valid for the 2721
shorter of thirty days or the duration of the special activity, 2722
program, or event for which it was issued. ~~The~~ A special 2723
activity certificate may not be renewed. 2724

(F) The board shall not require ~~a person~~ an individual 2725
holding a special activity certificate issued under this section 2726

to obtain a certificate under Chapter 4796. of the Revised Code. 2727

(G) ~~The state medical board shall adopt rules in~~ 2728
~~accordance with Chapter 119. of the Revised Code that specify~~ 2729
~~how often an applicant may be granted a certificate under this~~ 2730
~~section~~An individual may apply for a special activity 2731
certificate under this section not more twelve times within a 2732
consecutive two-year period. 2733

Sec. 4759.08. (A) The state medical board shall charge and 2734
collect fees as described in this section for issuing the 2735
following: 2736

(1) An application for an initial dietitian license, or 2737
renewal of the license, two hundred twenty-five ninety-five 2738
dollars; 2739

(2) ~~License renewal, one hundred eighty dollars;~~ 2740

~~(3) A~~ An application for a limited permit, or renewal of 2741
the permit, ~~sixty-five~~ fifty dollars; 2742

~~(4)~~ (3) A duplicate license or permit, thirty-five dollars; 2743

~~(5)~~ (4) In the case of a person holding a license issued 2744
under this chapter, a license verification fee of fifty dollars. 2745

(B) All receipts of the board shall be deposited in the 2746
state treasury to the credit of the state medical board 2747
operating fund in accordance with section 4731.24 of the Revised 2748
Code. 2749

Sec. 4764.05. (A) The Ohio home inspector board shall 2750
adopt rules in accordance with Chapter 119. of the Revised Code 2751
to do all of the following: 2752

(1) Establish standards to govern the issuance, renewal, 2753

suspension, and revocation of licenses, other sanctions that may 2754
be imposed for violations of this chapter, the conduct of 2755
hearings related to these actions, and the process of 2756
reactivating a license; 2757

(2) Establish the amount of the following fees: 2758

(a) Establish the following fees in an amount that is 2759
sufficient to defray necessary expenses incurred in the 2760
administration of this chapter: 2761

(i) The fee for applying for and receiving a license 2762
issued under section 4764.07 of the Revised Code and the special 2763
assessment for the home inspection recovery fund created in 2764
section 4764.21 of the Revised Code, which together shall not 2765
exceed two hundred~~-fifty~~ dollars; 2766

(ii) The fee for renewal of a license under section 2767
4764.09 of the Revised Code and the special assessment for the 2768
home inspection recovery fund created in section 4764.21 of the 2769
Revised Code, which together shall not exceed two hundred~~-fifty~~ 2770
dollars. 2771

(b) The renewal late fee described in division (B) (2) of 2772
section 4764.09 of the Revised Code; 2773

(c) The fee an institution or organization described in 2774
division (A) (7) of this section shall pay to receive approval to 2775
offer continuing education courses and programs; 2776

(d) The fee an institution or organization that is 2777
approved to offer continuing education courses and programs 2778
shall pay for each course or program that the institution or 2779
organization wishes to have the superintendent approve pursuant 2780
to the rules adopted by the board under division (A) (8) of this 2781
section; 2782

(e) Any other fees as required by this chapter. 2783

(3) In accordance with division (C) of this section, 2784
specify methods and procedures the board shall use to approve a 2785
curriculum of education a person must successfully complete to 2786
obtain a license under this chapter; 2787

(4) In accordance with division (D) of this section, 2788
specify methods and procedures the board shall use to approve a 2789
curriculum of experience that a person may elect to complete the 2790
proof of experience requirement specified in division (D) (6) of 2791
section 4764.07 of the Revised Code; 2792

(5) Establish the administrative reporting and review 2793
requirements for parallel inspections or equivalency for field 2794
experience to assure that an applicant for a license satisfies 2795
the requirements of division (D) (6) of section 4764.07 of the 2796
Revised Code, as applicable; 2797

(6) Establish a curriculum for continuing education that a 2798
licensed home inspector shall complete to satisfy the 2799
requirements for continuing education specified in section 2800
4764.08 of the Revised Code and procedures to assure continuing 2801
education requirements are updated periodically to make those 2802
requirements consistent with home inspection industry practices; 2803

(7) Establish requirements an institution or organization 2804
shall satisfy to obtain approval to provide courses or programs 2805
that enable a licensed home inspector to satisfy the 2806
requirements for continuing education specified in section 2807
4764.08 of the Revised Code and establish procedures that the 2808
superintendent of real estate and professional licensing shall 2809
use to approve an institution or organization that satisfies the 2810
requirements the board establishes; 2811

(8) Establish procedures and standards that the 2812
superintendent shall use to approve courses and programs, 2813
including online courses and programs, offered by an institution 2814
or organization that is approved by the superintendent to offer 2815
continuing education courses or programs pursuant to the rules 2816
adopted by the board under division (A) (7) of this section; 2817

(9) Establish reporting requirements for a licensed home 2818
inspector to follow to demonstrate that the licensed home 2819
inspector successfully completed the continuing education 2820
requirements specified in section 4764.08 of the Revised Code; 2821

(10) Establish requirements for conducting home 2822
inspections, standards of practice for home inspectors, and 2823
conflict of interest prohibitions to the extent that those 2824
provisions do not conflict with divisions (A) (2) to (5) of 2825
section 4764.14 of the Revised Code; 2826

(11) Specify requirements for settlement agreements 2827
entered into between the superintendent and a licensed home 2828
inspector under division (C) of section 4764.13 of the Revised 2829
Code; 2830

(12) Establish procedures for providing licensees with 2831
notice and applications for renewal under section 4764.09 of the 2832
Revised Code; 2833

(13) Establish a set of standards of practice and canons 2834
of ethics for the home inspection industry; 2835

(14) Establish directions for the superintendent of real 2836
estate and professional licensing to follow regarding the 2837
scheduling, instruction, and offerings of home inspection 2838
courses a person must successfully complete to obtain a license 2839
issued under this chapter; 2840

(15) Establish requirements a licensed home inspector 2841
shall satisfy to obtain approval to prepare and conduct peer 2842
review sessions. 2843

(B) The board shall do all of the following: 2844

(1) On appeal by any party affected, or on its own motion, 2845
review any order of or application determination made by the 2846
superintendent, and as the board determines necessary, reverse, 2847
vacate, modify, or sustain such an order or determination; 2848

(2) Hear appeals from orders of the superintendent 2849
regarding claims against the home inspection recovery fund 2850
created under section 4764.21 of the Revised Code; 2851

(3) Disseminate to licensees and the public information 2852
relative to board activities and decisions; 2853

(4) Notify licensees of changes in state and federal laws 2854
pertaining to home inspections and relevant case law and inform 2855
licensees that they are subject to disciplinary action if they 2856
do not comply with the changes. 2857

(C) The board shall approve a curriculum of education a 2858
person must successfully complete to obtain a license issued 2859
under this chapter. The board shall approve a curriculum of 2860
education that satisfies all of the following requirements: 2861

(1) The curriculum is offered by an accredited public or 2862
private institution of higher education or a professional 2863
organization that has been approved by the board to offer a 2864
curriculum. 2865

(2) The curriculum includes a requirement that a person, 2866
to successfully complete the curriculum, complete at least 2867
eighty hours of classroom or online prelicensing instruction, 2868

including instruction about compliance with the requirements 2869
specified in this chapter, inspection safety, report writing, 2870
and any other administrative matters required by the board. 2871

(3) The curriculum satisfies any other requirements the 2872
board established in rules it adopts. 2873

(D) The board shall determine the equivalency of field 2874
experience that a person may elect to complete to satisfy the 2875
proof of experience requirement specified in division (D)(6) of 2876
section 4764.07 of the Revised Code. The board shall approve 2877
only a curriculum of experience that includes a requirement that 2878
a person, to successfully complete the curriculum, must perform 2879
at least forty hours of work in the home inspection field that 2880
allows the person to obtain practical experience or training 2881
regarding home inspections. The board shall approve only a 2882
curriculum of experience that includes a requirement that a 2883
person, to successfully complete the curriculum, must complete a 2884
peer review session with a licensed home inspector approved by 2885
the board before applying for a license. The peer review session 2886
may be used as part of the required eighty hours of prelicensing 2887
education. 2888

Sec. 4764.08. During each three-year period that a license 2889
is valid, a licensed home inspector shall successfully complete 2890
not less than ~~fourteen~~forty-two hours of continuing education 2891
instruction ~~annually during the three-year licensing period~~ in 2892
courses or programs directly applicable to the standards of 2893
practice and requirements specified in rules adopted by the Ohio 2894
home inspector board pursuant to division (A)(10) of section 2895
4764.05 of the Revised Code. 2896

The superintendent of real estate and professional 2897
licensing shall accept only those courses and programs the 2898

superintendent approves in accordance with division (A)(8) of 2899
section 4764.06 of the Revised Code prior to the date the 2900
licensed home inspector completes the course or program. The 2901
superintendent shall not include parallel inspections completed 2902
by a person for credit toward satisfying the continuing 2903
education requirements specified in this section. 2904

Sec. 4771.02. (A) No athlete agent shall enter into an 2905
agent contract with an athlete unless the agent complies with 2906
all of the following agent contract requirements: 2907

(1) The agent contract is in writing on a form approved by 2908
the Ohio athletic commission and includes all agreements between 2909
the parties. 2910

(2) The agent contract includes in boldface, twelve-point 2911
type, on the initial page of the agent contract, the following 2912
language: 2913

"The athlete agent entering this agreement is registered 2914
to serve as an athlete agent ~~with the Ohio athletic~~ 2915
~~commission~~ under Chapter 4771. of the Revised Code. Registration 2916
of an athlete agent under ~~Chapter 4771. of the Revised Code~~ that 2917
chapter does not imply approval by the commission of the terms 2918
and conditions of this contract or the competence of the athlete 2919
agent." 2920

(3) The agent contract includes the following language in 2921
boldface, twelve-point type, near the space provided for an 2922
athlete to sign or otherwise acknowledge agreement to the terms 2923
of the contract: 2924

"Warning to the student athlete: when you sign this 2925
contract, you may immediately lose your eligibility to compete 2926
in any amateur or intercollegiate athletics. Accordingly, you 2927

must give written notice that you have entered into this 2928
contract to the athletic director or person of similar position 2929
at the educational institution or institution of higher 2930
education in which you are enrolled, or to which you have 2931
formally acknowledged your plans to attend, prior to the earlier 2932
of participating in or practicing for an officially sanctioned 2933
athletic competition or intercollegiate athletic event, or 2934
seventy-two hours after entering into this contract. 2935

Do not sign this contract until you have read it and 2936
filled in any blank spaces. Under Ohio law, as a student athlete 2937
signing this contract, you have the right to rescind this 2938
contract for a period of up to ten days after the latest of the 2939
following occurrences: 2940

(a) The date the contract is signed; 2941

(b) The date the athletic director or person of similar 2942
position at the educational institution or institution of higher 2943
education in which you are enrolled, or have acknowledged plans 2944
to attend, receives notice of this contract; or 2945

(c) The last date you participate in an officially 2946
sanctioned athletic competition or intercollegiate athletic 2947
event if no notice of this contract is provided to the athletic 2948
director or person of similar position. 2949

Despite cancellation of this contract, the educational 2950
institution, institution of higher education, or intercollegiate 2951
athletic association or conference to which your institution of 2952
higher education belongs may not restore your eligibility to 2953
participate in amateur or intercollegiate athletics. If you sign 2954
this contract prior to the last officially sanctioned athletic 2955
competition or intercollegiate athletic event you participate in 2956

and fail to notify your institution of this contract, your 2957
athletic team may be required to forfeit all games in which you 2958
participated after signing. Such action also may cause your 2959
athletic team to be declared ineligible for post-season play." 2960

(4) The athlete agent agrees in the agent contract to 2961
provide written notice of the agent contract to the athletic 2962
director or person of similar position at the educational 2963
institution or institution of higher education in which the 2964
athlete is enrolled prior to the earlier of the time the athlete 2965
next participates in or practices for an officially sanctioned 2966
athletic competition or intercollegiate athletic event after 2967
entering that agent contract, or seventy-two hours after 2968
entering that agent contract. 2969

(5) All terms and conditions contained in the agent 2970
contract comply with state and federal law. 2971

(B) A provision in an agent contract that provides for the 2972
resolution of any controversy in connection with the contract by 2973
arbitration is void and unenforceable unless both of the 2974
following apply: 2975

(1) The provision is contained in an agent contract 2976
between an athlete agent and an athlete for whom the athlete 2977
agent undertakes to secure employment. 2978

(2) The provision is included in the agent contract 2979
pursuant to a rule, regulation, or contract of a bona fide labor 2980
union or organization that regulates the relations of its 2981
members with athlete agents. 2982

(C) An athlete and athlete agent who enter an agent 2983
contract each shall provide written notice of that agent 2984
contract to the athletic director or person of similar position 2985

at the educational institution or institution of higher 2986
education in which the athlete is enrolled prior to the earlier 2987
of the time the athlete next participates in or practices for an 2988
officially sanctioned athletic competition or intercollegiate 2989
athletic event after entering that agent contract, or seventy- 2990
two hours after entering that agent contract. 2991

Sec. 4771.05. ~~(A) The Ohio athletic commission,~~ 2992
~~established~~ administrator of athletics, appointed under section 2993
3773.33 of the Revised Code, shall do all of the following: 2994

~~(A)~~ (1) Review the application form of an applicant for 2995
registration as an athlete agent; 2996

~~(B)~~ (2) Issue and renew biennial certificates of 2997
registration for an athlete agent pursuant to this chapter; 2998

~~(C)~~ (3) Maintain records of every athlete agent registered 2999
in this state, including the agent's business and residential 3000
address, and the date and number of the agent's registration; 3001

~~(D)~~ (B) The Ohio athletic commission, established under 3002
section 3773.33 of the Revised Code, shall do both of the 3003
following: 3004

(1) Establish an application form to be completed by an 3005
individual seeking registration as an athlete agent; 3006

~~(E) Establish a fee for the registration, and renewal of~~ 3007
~~the registration, of an individual as an athlete agent in an~~ 3008
~~amount necessary to generate sufficient funds to cover the cost~~ 3009
~~of administering and enforcing this chapter;~~ 3010

~~(F)~~ (2) Adopt rules in accordance with Chapter 119. of the 3011
Revised Code to carry out the purposes of this chapter. 3012

Sec. 4771.07. (A) Each individual who desires to serve as 3013

an athlete agent within this state shall first file an 3014
application for registration with the ~~Ohio athletic~~ 3015
~~commission~~ administrator of athletics. The applicant shall apply 3016
using a form prescribed by the Ohio athletic commission and 3017
shall provide all the following information: 3018

(1) The name and residential address of the applicant; 3019

(2) The address of the primary location in which the 3020
applicant wishes to conduct business as an athlete agent; 3021

(3) The type of business conducted or the occupation held 3022
by the applicant during the five years immediately preceding 3023
application; 3024

(4) The location and evidence of a trust fund established 3025
in accordance with division (B) of section 4771.12 of the 3026
Revised Code and rules adopted by the commission; 3027

(5) The name and address of all persons who have a 3028
financial interest in the business operation of the applicant, 3029
or who are compensated for the solicitation or recruitment of 3030
athletes on behalf of the applicant, except for salaried 3031
employees who receive no commission or bonus pursuant to any 3032
agent or professional sports services contract; 3033

(6) Any other information deemed necessary by the 3034
commission. 3035

(B) The applicant shall submit with the application for 3036
registration an affidavit or certificate of completion 3037
describing all formal training or practical experience completed 3038
by the applicant in any of the following areas: 3039

(1) Contracts; 3040

(2) Contract negotiations; 3041

(3) Complaint resolution; 3042

(4) Arbitration; 3043

(5) Dispute resolution. 3044

An attorney admitted to practice law in this state shall 3045
submit with the application a certificate of good standing 3046
issued by the supreme court of Ohio in lieu of an affidavit or 3047
certificate otherwise required under this division. 3048

(C) An applicant shall submit with the application for 3049
registration an application fee ~~in an amount determined by the~~ 3050
~~commission pursuant to division (F) of section 4771.05 of the~~ 3051
~~Revised Code of four hundred dollars~~ and proof of one of the 3052
securities required under section ~~477.11~~ 4771.11 of the Revised 3053
Code. 3054

(D) An athlete agent shall notify the ~~commission~~ 3055
administrator of any change in business location or address 3056
during the period of application for registration or during the 3057
period of time the registration of the athlete agent is valid. 3058

Sec. 4771.08. (A) Upon receipt of all the materials 3059
required for application for registration under section 4771.07 3060
of the Revised Code, the ~~Ohio athletic commission administrator~~ 3061
of athletics shall evaluate the information provided and issue a 3062
certificate of registration to the applicant, unless the 3063
~~commission administrator~~ finds that the applicant or an employee 3064
or representative of the applicant has committed any of the acts 3065
described in division (A) of section 4771.18 of the Revised 3066
Code. 3067

Notwithstanding the requirements for a certificate of 3068
registration under this chapter, the ~~commission administrator~~ 3069
shall issue a certificate of registration in accordance with 3070

Chapter 4796. of the Revised Code to an applicant if either of 3071
the following applies: 3072

(1) The applicant is registered in another state. 3073

(2) The applicant has satisfactory work experience, a 3074
government certification, or a private certification as 3075
described in that chapter as an athlete agent in a state that 3076
does not issue that certificate of registration. 3077

(B) The ~~commission~~administrator may issue a temporary 3078
certificate of registration, effective for a period of up to 3079
ninety days after the issuance of the temporary registration, to 3080
a nonresident athlete agent who is registered as an athlete 3081
agent in another state, or to a person who has not submitted all 3082
the material required under section 4771.07 of the Revised Code, 3083
but who the ~~commission~~administrator determines to have 3084
submitted sufficient material to warrant the issuance of a 3085
temporary certificate. Chapter 4796. of the Revised Code does 3086
not apply to a temporary certificate of registration issued 3087
under this division. 3088

(C) The registration of an athlete agent ~~with the~~ 3089
~~commission~~ is valid for a period of two years after the date the 3090
certificate of registration is issued. An athlete agent shall 3091
file an application for the renewal of a registration with the 3092
~~commission~~administrator at least thirty days prior to the 3093
expiration of the registration of the athlete agent. An 3094
application for renewal shall be accompanied by a renewal fee ~~in~~ 3095
~~an amount determined by the commission pursuant to division (F)~~ 3096
~~of section 4771.05 of the Revised Code~~ of four hundred dollars. 3097

(D) Each certificate of registration issued by the 3098
~~commission~~administrator to an athlete agent shall contain all 3099

the following information: 3100

(1) The name of the athlete agent; 3101

(2) The address of the primary location in which the 3102
athlete agent is authorized to conduct business as an athlete 3103
agent; 3104

(3) A registration number for the athlete agent and the 3105
date of issuance of the registration. 3106

(E) No registration or certificate of registration is 3107
valid for any individual other than the athlete agent to whom it 3108
is issued. 3109

(F) The Ohio athletic commission is and the administrator 3110
are not liable for the acts of an athlete agent who is 3111
registered with the commission under this section. 3112

Sec. 4771.09. (A) ~~The Ohio athletic commission~~ 3113
administrator of athletics may issue an eligible person a 3114
certificate of convenience to conduct business as an athlete 3115
agent when a registered athlete agent is deceased, or declared 3116
incompetent or physically infirm by the judgment of a court of 3117
competent jurisdiction. ~~The commission~~ administrator may issue a 3118
certificate of convenience upon either receiving approval to do 3119
so from a probate court or finding that the last will and 3120
testament of the athlete agent specifically authorizes the 3121
executor or administrator of estate to conduct the business of 3122
the athlete agent. 3123

(B) The following persons are eligible to obtain a 3124
certificate of convenience to conduct business on behalf of an 3125
athlete agent: 3126

(1) The executor or administrator of the estate of the 3127

deceased athlete agent; 3128

(2) The guardian of the estate of an athlete agent who has 3129
been declared incompetent or the conservator appointed to manage 3130
the estate of an athlete agent who has been declared physically 3131
infirm. 3132

(C) A certificate of convenience is valid for ninety days 3133
after the date it is issued. If the holder of a certificate of 3134
convenience applies for registration as an athlete agent, the 3135
~~commission-administrator~~ may renew the certificate of 3136
convenience for a period of time the ~~commission-administrator~~ 3137
finds appropriate pending the ~~commission's-administrator's~~ 3138
determination whether to issue a certificate of registration as 3139
an athlete agent to the holder of the certificate of 3140
convenience. 3141

Sec. 4771.10. The Ohio athletic commission may require 3142
each registered athlete agent to complete not more than six 3143
hours of continuing education during a biennial registration in 3144
programs to be determined or approved by the commission. If the 3145
commission imposes continuing education requirements on athlete 3146
agents, not less than two of the six hours of continuing 3147
education shall be devoted to ethics. 3148

A continuing education program shall promote the ability 3149
of an athlete agent to serve as an athlete agent in an ethical 3150
and legal manner. A continuing education program may address 3151
laws and rules governing athlete agents and rules and policies 3152
established by an athletic conference or a collegiate athletic 3153
organization. An athlete agent also may obtain credit for 3154
continuing education by participating in or attending lectures, 3155
courses at institutions of higher education, seminars, or rule- 3156
making or disciplinary proceedings approved by the commission, 3157

or by teaching a subject that pertains to the profession of an 3158
athlete agent. 3159

If the commission requires athlete agents to fulfill 3160
continuing education requirements under this section, the 3161
commission shall adopt rules to carry out the purposes of this 3162
section. The rules shall contain procedures by which the 3163
commission or the administrator of athletics shall monitor an 3164
athlete agent's compliance with the continuing education 3165
requirements prior to renewal of an athlete agent's certificate 3166
of registration. 3167

Sec. 4771.11. (A) Prior to issuing a certificate of 3168
registration, the ~~Ohio athletic commission~~ administrator of 3169
athletics shall require an athlete agent to submit proof of one 3170
of the following securities: 3171

(1) A surety bond in the amount of fifteen thousand 3172
dollars in favor of the state of Ohio for the benefit of any 3173
person who is injured by a violation of this chapter or rules 3174
adopted under this chapter; 3175

(2) A certificate of deposit in favor of, or a savings 3176
account assigned to, the state of Ohio for the benefit of any 3177
person that is injured by a violation of this chapter or rules 3178
adopted under this chapter, in the amount of fifteen thousand 3179
dollars; 3180

(3) Certification from an insurance carrier indicating 3181
that the athlete agent has obtained professional malpractice 3182
insurance in an amount equal to, or greater than, fifty thousand 3183
dollars, or a lesser amount, as permitted by the 3184
~~commission~~ administrator. 3185

An athlete agent shall present evidence of a bond, a 3186

certificate of deposit, an assigned savings account, or 3187
professional malpractice insurance in the manner prescribed by 3188
the Ohio athletic commission. 3189

(B) The ~~commission~~administrator shall hold on deposit, as 3190
an agent of the state, any surety bond or other form of security 3191
deposited with the ~~commission~~administrator by an athlete agent. 3192
The ~~commission~~administrator shall hold the security in trust 3193
contingent on an athlete agent's compliance with all provisions 3194
of this chapter including the payment of all moneys owed to an 3195
athlete, group of athletes, educational institution, or 3196
institution of higher education, and the payment of all damages 3197
other than punitive damages due as the result of a misstatement, 3198
misrepresentation, fraudulent act, deceit, or unlawful or 3199
negligent act or omission by an athlete agent in the course of 3200
serving as an athlete agent, or by a representative or employee 3201
of an athlete agent when the representative or employee acted 3202
within the scope of the representative's or employee's 3203
authority. The ~~commission~~administrator may use funds held on 3204
deposit for an athlete agent to pay debts owed by an athlete 3205
agent as described in this division pursuant to a court or 3206
administrative order specifying the obligation of the athlete 3207
agent. 3208

(C) Nothing in this section shall be construed to limit 3209
the liability of an athlete agent to the amount of the surety 3210
bond, malpractice coverage, or other security held on deposit by 3211
the ~~commission~~administrator. 3212

(D) An athlete agent shall maintain the security required 3213
under this section. If an athlete agent fails to maintain the 3214
security as required under this section, the ~~commission~~administrator shall suspend the registration of the athlete 3215
administrator shall suspend the registration of the athlete 3216

agent until the athlete agent provides evidence of the bond, 3217
certificate of deposit, assigned savings account, or 3218
professional malpractice insurance, as required under this 3219
section. 3220

(E) The liability of the surety on a bond described in 3221
division (A) of this section shall not exceed the sum of fifteen 3222
thousand dollars in the aggregate for all persons who are 3223
injured by any and all violations of this chapter or rules 3224
adopted under this chapter. 3225

(F) A surety may cancel a bond described in division (A) 3226
of this section after mailing a written notice to the athlete 3227
agent and the ~~commission~~-administrator stating that the bond 3228
cancels sixty days after that notice is mailed. The liability of 3229
the surety for acts of the athlete agent continues during that 3230
sixty-day period. The cancellation notice does not absolve the 3231
surety from liability that accrues before the cancellation date 3232
but that is discovered after that date. 3233

(G) The ~~commission~~-administrator shall return the surety 3234
bond or other form of security held by the ~~commission~~- 3235
administrator under this section to the athlete agent submitting 3236
the bond or security, two years after the person ceases to serve 3237
as an athlete agent in this state. 3238

Sec. 4771.12. (A) Fees charged by an athlete agent for 3239
services provided to an athlete may be negotiated between the 3240
parties. 3241

(B) (1) Except as provided in division (B) (2) of this 3242
section, an athlete agent shall establish an interest-bearing 3243
trust fund or similar account in a depository approved by the 3244
Ohio athletic commission to be used for the deposit of all 3245

revenues received on behalf of an athlete. An athlete agent 3246
shall deposit any revenue received on behalf of an athlete in 3247
the interest-bearing trust fund or account. The athlete agent 3248
shall notify the ~~commission~~ administrator of athletics of the 3249
address and location of the trust fund or account and the 3250
depository in which it is located. 3251

(2) An athlete agent who is an attorney licensed to 3252
practice law in this state may deposit any revenue received on 3253
behalf of an athlete in a trust account already maintained by 3254
the agent attorney in a financial institution in this state for 3255
the deposit of revenue received on behalf of clients. 3256

(C) No athlete agent shall share fees with any person 3257
other than an employee of the athlete agent. If an athlete agent 3258
shares a fee with an employee, the athlete agent shall obtain 3259
written consent from the athlete prior to entering a fee 3260
agreement with the athlete. No athlete agent shall enter fee 3261
agreements that are prohibited under this chapter. 3262

(D) If an athlete agent collects a fee or expense from an 3263
athlete as consideration for obtaining employment for the 3264
athlete, and the athlete agent fails to procure such employment, 3265
the agent shall retain only the following portion of the fee or 3266
expense: 3267

(1) The cost of reasonable expenses incurred by the 3268
athlete agent during the course of representing the athlete in 3269
efforts to obtain employment for the athlete; 3270

(2) A negotiated fee in connection with instances where 3271
the athlete receives a bonus or some compensation for signing a 3272
professional sports services contract. 3273

(E) Nothing in this section shall be construed to limit 3274

the authority of the Ohio supreme court to establish or regulate 3275
fees for activities considered to be the practice of law. 3276

Sec. 4771.13. No athlete agent shall act on behalf of an 3277
athlete as a "dealer" or "investment advisor," as defined in 3278
section 1707.01 of the Revised Code, unless the athlete agent 3279
complies with Chapter 1707. of the Revised Code. 3280

An athlete agent shall disclose to an athlete and the ~~Ohio~~ 3281
~~athletic commission administrator of athletics~~ any ownership 3282
interest the athlete agent has in an entity referred to by the 3283
athlete agent in advising the athlete concerning investments. An 3284
athlete agent shall disclose any commissions or fees the athlete 3285
agent may receive as a result of an investment decision made by 3286
an athlete in response to investment advice from the athlete 3287
agent. 3288

Sec. 4771.14. (A) An athlete agent shall maintain all of 3289
the following records: 3290

(1) The name and address of each athlete for whom the 3291
athlete agent performs services as an athlete agent in exchange 3292
for compensation; 3293

(2) The amount of fees or compensation received for the 3294
performance of services for each athlete; 3295

(3) A copy of the contract entered into between the 3296
athlete agent and each athlete; 3297

(4) Any other information the Ohio athletic commission or 3298
the administrator of athletics finds appropriate in connection 3299
with the provision of services by an athlete agent. 3300

(B) An athlete agent shall maintain all records required 3301
to be maintained pursuant to this section, in a manner that the 3302

commission shall prescribe, for a period of five years. 3303

(C) No athlete agent or employee or representative of an 3304
athlete agent shall make, or cause to be made, any false records 3305
or records containing false information. 3306

(D) All financial records, financial books, and other 3307
records not subject to the attorney-client privilege that are 3308
required to be maintained pursuant to this chapter shall be open 3309
to inspection by the commission, the administrator, and ~~its~~ 3310
their representatives, upon reasonable notice, at the pleasure 3311
of the commission or the administrator. 3312

Sec. 4771.16. No athlete agent shall publish or cause to 3313
be published any false, fraudulent, or misleading notice, 3314
advertisement, or information with knowledge that it is false, 3315
fraudulent, or misleading. All advertisements of an athlete 3316
agent shall contain the name and registered business address of 3317
the athlete agent and some indication that the athlete agent is 3318
registered ~~with the Ohio athletic commission~~ under this chapter. 3319

As used in this section, "advertisement" includes 3320
circulars, signs, newspaper or magazine publications, or other 3321
oral or written communication that names the athlete agent in 3322
connection with the provision of services as an athlete agent. 3323

Sec. 4771.18. (A) ~~The Ohio athletic commission-~~ 3324
administrator of athletics may, except as provided in division 3325
(B) of this section, refuse to grant or renew a registration, ~~or~~ 3326
and the Ohio athletic commission may suspend or revoke a 3327
registration of an athlete agent, in accordance with Chapter 3328
119. of the Revised Code, upon proof satisfactory to the 3329
administrator or the commission that the athlete agent or an 3330
employee or representative of the athlete agent has done any of 3331

the following: 3332

(1) Made false or misleading statements of a material 3333
nature in an application for registration as an athlete agent; 3334

(2) Been convicted of or pleaded guilty to an offense in 3335
connection with the person's service as an athlete agent in this 3336
or another state; 3337

(3) Been convicted of or pleaded guilty to an offense 3338
involving illegal gambling; 3339

(4) Engaged in conduct that has a significant adverse 3340
impact on the applicant's credibility, integrity, or competence 3341
to serve in a fiduciary capacity; 3342

(5) Misappropriated funds or engaged in other specific 3343
conduct that would render the applicant unfit to serve in a 3344
fiduciary capacity, including being convicted of or pleading 3345
guilty to offenses involving embezzlement, theft, or fraud; 3346

(6) Violated a provision of this chapter or a rule adopted 3347
under this chapter. 3348

(B) The ~~commission~~-administrator shall not refuse to issue 3349
a registration to an applicant because of a conviction of or 3350
plea of guilty to an offense unless the refusal is in accordance 3351
with section 9.79 of the Revised Code. 3352

(C) Upon receiving a complaint of a violation of this 3353
chapter or a rule adopted under it, the commission shall conduct 3354
an investigation of the complaint. If the commission finds 3355
reasonable cause to believe a violation occurred, the commission 3356
shall conduct a hearing in accordance with Chapter 119. of the 3357
Revised Code to determine if a violation occurred. If the 3358
commission finds a violation occurred, the commission may 3359

suspend or revoke, or the administrator may refuse to issue or 3360
renew, the registration of an athlete agent for such period of 3361
time as the commission or administrator finds appropriate. 3362

Upon completion of an investigation, if the commission 3363
finds no reasonable grounds to believe a violation occurred, the 3364
commission shall certify without a hearing that no violation 3365
occurred. The commission shall serve the certification on all 3366
parties addressed in the complaint by certified mail, return 3367
receipt requested. The certification shall be considered a final 3368
resolution of the matter if no objection to the certification is 3369
filed. A party involved in the complaint may file an objection 3370
to the certification with the commission within ten days after 3371
the date the certification is mailed. If a party files an 3372
objection to the certification within the prescribed period, the 3373
commission, within its discretion, may conduct a hearing in 3374
accordance with Chapter 119. of the Revised Code to determine if 3375
a violation occurred. 3376

Sec. 4771.21. Any person who conducts business in this 3377
state as an athlete agent consents to the jurisdiction of the 3378
courts of this state, whether or not the person is registered as 3379
an athlete agent ~~with the Ohio athletic commission~~ under this 3380
chapter. 3381

If an athlete agent conducts business in this state and 3382
thereafter leaves this state with intent to defraud creditors or 3383
to avoid service of process in an action brought under this 3384
chapter, the athlete agent thereby makes the secretary of state 3385
of the state of Ohio the agent of the athlete agent for purposes 3386
of service of process in any civil action or proceeding 3387
instituted in the courts of this state against the athlete agent 3388
arising out of, or by reason of, the athlete agent's conduct 3389

within this state. This appointment is irrevocable. 3390

The process shall be served by the officer to whom the 3391
process is directed or by the sheriff of Franklin county. The 3392
process shall be served as follows: 3393

(A) Upon the secretary of state by leaving the process and 3394
a true and attested copy of the process at the office of the 3395
secretary of state, at least fifteen days before the return day 3396
of the process; and 3397

(B) By sending to the defendant, at the defendant's last 3398
known address, by registered mail, postage prepaid, a like true 3399
and attested copy of the process, with an indorsement on the 3400
process of the service upon the secretary of state. The 3401
registered mail return receipt of the defendant shall be 3402
attached to and made a part of the return of service of the 3403
process. 3404

Sec. 4771.22. The Ohio athletic commission and the 3405
administrator of athletics shall deposit all money ~~it receives~~ 3406
they receive under this chapter to the credit of the 3407
occupational licensing and regulatory fund, created under 3408
section 4743.05 of the Revised Code. 3409

Sec. 4771.23. The Ohio athletic commission and the 3410
administrator of athletics shall comply with section 4776.20 of 3411
the Revised Code. 3412

Sec. 4774.03. (A) Except as provided in division (D) of 3413
this section, an individual seeking a license to practice as a 3414
radiologist assistant shall file with the state medical board a 3415
written application on a form prescribed and supplied by the 3416
board. The application shall include all the information the 3417
board considers necessary to process the application, including 3418

evidence satisfactory to the board that the applicant meets the 3419
requirements specified in division (B) of this section. 3420

At the time an application is submitted, the applicant 3421
shall pay the board ~~the application a fee specified by the board~~ 3422
~~in rules adopted under section 4774.11 of the Revised Code one~~ 3423
hundred dollars. No part of the fee shall be returned. 3424

(B) Except as provided in division (D) of this section, to 3425
be eligible to receive a license to practice as a radiologist 3426
assistant, an applicant shall meet all of the following 3427
requirements: 3428

(1) Be at least eighteen years of age; 3429

(2) Hold a current, valid license as a radiographer under 3430
Chapter 4773. of the Revised Code; 3431

(3) Have attained a baccalaureate degree or 3432
postbaccalaureate certificate from an advanced academic program 3433
encompassing a nationally recognized radiologist assistant 3434
curriculum that includes a radiologist-directed clinical 3435
preceptorship; 3436

(4) Hold current certification as a registered radiologist 3437
assistant from the American registry of radiologic technologists 3438
and have attained the certification by meeting the standard 3439
certification requirements established by the registry, 3440
including the registry's requirements for documenting clinical 3441
education in the form of a clinical portfolio and passing an 3442
examination to determine competence to practice; 3443

(5) Hold current certification in advanced cardiac life 3444
support. 3445

(C) The board shall review all applications received under 3446

this section. Not later than sixty days after receiving an 3447
application the board considers to be complete, the board shall 3448
determine whether the applicant meets the requirements to 3449
receive a license to practice as a radiologist assistant. 3450

(D) The board shall issue a license to practice as a 3451
radiologist assistant in accordance with Chapter 4796. of the 3452
Revised Code to an applicant if either of the following applies: 3453

(1) The applicant holds a license in another state. 3454

(2) The applicant has satisfactory work experience, a 3455
government certification, or a private certification as 3456
described in that chapter as a radiologist assistant in a state 3457
that does not issue that license. 3458

Sec. 4774.06. (A) An individual seeking to renew a license 3459
to practice as a radiologist assistant shall, on or before the 3460
license's expiration date, apply to the state medical board for 3461
renewal. The board shall provide renewal notices to license 3462
holders at least one month prior to the expiration date. 3463

Renewal applications shall be submitted to the board in a 3464
manner prescribed by the board. Each application shall be 3465
accompanied by a biennial renewal fee ~~specified by the board in~~ 3466
~~rules adopted under section 4774.11 of the Revised Code~~ one 3467
hundred dollars. 3468

The applicant shall report any criminal offense that 3469
constitutes grounds for refusing to issue a license under 3470
section 4774.13 of the Revised Code to which the applicant has 3471
pleaded guilty, of which the applicant has been found guilty, or 3472
for which the applicant has been found eligible for intervention 3473
in lieu of conviction, since last signing an application for a 3474
license to practice as a radiologist assistant. 3475

(B) To be eligible for renewal, a radiologist assistant 3476
shall certify to the board that the assistant has maintained 3477
both of the following: 3478

(1) A license as a radiographer under Chapter 4773. of the 3479
Revised Code; 3480

(2) Certification as a registered radiologist assistant 3481
from the American registry of radiologic technologists by 3482
meeting the registry's requirements for annual registration, 3483
including completion of the continuing education requirements 3484
established by the registry. 3485

(C) If an applicant submits a renewal application that the 3486
board considers to be complete and qualifies for renewal 3487
pursuant to division (B) of this section, the board shall issue 3488
to the applicant a renewed license to practice as a radiologist 3489
assistant. 3490

(D) A license that is not renewed on or before its 3491
expiration date is automatically suspended on its expiration 3492
date, subject to the provisions of section 119.06 of the Revised 3493
Code specifying that an applicant who appropriately files a 3494
renewal application is not required to discontinue practicing 3495
merely because the board has failed to act on the application. 3496

If a license has been suspended pursuant to this division 3497
for two years or less, the board shall reinstate the license 3498
upon an applicant's submission of a renewal application, the 3499
biennial renewal fee, and the applicable monetary penalty. The 3500
penalty for reinstatement is twenty-five dollars. 3501

If a license has been suspended pursuant to this division 3502
for more than two years, it may be restored. Subject to section 3503
4774.061 of the Revised Code, the board may restore the license 3504

upon an applicant's submission of a restoration application, the 3505
biennial renewal fee, and the applicable monetary penalty and 3506
compliance with sections 4776.01 to 4776.04 of the Revised Code. 3507
The board shall not restore a license unless the board, in its 3508
discretion, decides that the results of the criminal records 3509
check do not make the applicant ineligible for a certificate 3510
issued pursuant to section 4774.04 of the Revised Code. The 3511
penalty for restoration is fifty dollars. 3512

Sec. 4774.11. (A) The state medical board shall adopt 3513
rules in accordance with Chapter 119. of the Revised Code to 3514
implement and administer this chapter. In adopting the rules, 3515
the board shall take into consideration the guidelines adopted 3516
by the American college of radiology, the American society of 3517
radiologic technologists, and the American registry of 3518
radiologic technologists. 3519

(B) The rules adopted under this section shall include all 3520
of the following: 3521

(1) Standards and procedures for issuing and renewing 3522
licenses to practice as a radiologist assistant; 3523

(2) ~~Application fees for an initial or renewed license;~~ 3524

~~(3)~~ Any additional radiologic procedures that radiologist 3525
assistants may perform pursuant to division (A) (5) of section 3526
4774.08 of the Revised Code and the level of supervision that 3527
the supervising radiologist is required to provide pursuant to 3528
section 4774.10 of the Revised Code; 3529

~~(4)~~ (3) Definitions of "general anesthesia," "deep 3530
sedation," "moderate sedation," and "minimal sedation"; 3531

~~(5)~~ (4) Any other standards and procedures the board 3532
considers necessary to govern the practice of radiologist 3533

assistants, the supervisory relationship between radiologist 3534
assistants and supervising radiologists, and the administration 3535
and enforcement of this chapter. 3536

Section 2. That existing sections 101.63, 103.27, 1531.40, 3537
1533.631, 1533.72, 1561.11, 1561.13, 1561.15, 1561.23, 1561.26, 3538
1563.24, 1565.04, 1565.05, 1565.06, 3319.2213, 3319.51, 3701.83, 3539
3704.14, 3748.01, 3748.04, 3748.11, 3748.13, 3748.16, 3773.31, 3540
3773.33, 3773.34, 3773.35, 3773.36, 3773.37, 3773.38, 3773.39, 3541
3773.40, 3773.41, 3773.42, 3773.421, 3773.43, 3773.45, 3773.51, 3542
3773.52, 3773.53, 3773.54, 3773.55, 3773.56, 3773.57, 3773.59, 3543
3776.05, 4730.10, 4730.14, 4731.294, 4759.08, 4764.05, 4764.08, 3544
4771.02, 4771.05, 4771.07, 4771.08, 4771.09, 4771.10, 4771.11, 3545
4771.12, 4771.13, 4771.14, 4771.16, 4771.18, 4771.21, 4771.22, 3546
4771.23, 4774.03, 4774.06, and 4774.11 of the Revised Code are 3547
hereby repealed. 3548

Section 3. That sections 1561.17, 3748.12, and 3748.121 of 3549
the Revised Code are hereby repealed. 3550

Section 4. (A) For the purposes of this section, 3551
"occupational licensing board" has the same meaning as in 3552
section 101.62 of the Revised Code. 3553

(B) Pursuant to division (E) of section 101.62 of the 3554
Revised Code, the following occupational licensing boards are 3555
hereby renewed and, subject to the revisions prescribed by this 3556
act, the statutes creating, empowering, governing, and 3557
regulating those boards are continued: 3558

(1) The Ohio Athletic Commission created under section 3559
3773.33 of the Revised Code; 3560

(2) The Ohio Construction Industry Licensing Board within 3561
the Department of Commerce created under section 4740.02 of the 3562

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| Revised Code; | 3563 |
| (3) The Historical Boilers Licensing Board within the | 3564 |
| Department of Commerce created under section 4104.33 of the | 3565 |
| Revised Code; | 3566 |
| (4) The Ohio Home Inspector Licensing Board within the | 3567 |
| Department of Commerce created under section 4764.04 of the | 3568 |
| Revised Code; | 3569 |
| (5) The Division of Securities within the Department of | 3570 |
| Commerce described in Chapter 1707. of the Revised Code; | 3571 |
| (6) The State Board of Education created under section | 3572 |
| 3301.01 of the Revised Code; | 3573 |
| (7) The Ohio Environmental Protection Agency created under | 3574 |
| section 121.02 of the Revised Code; | 3575 |
| (8) The Ohio Department of Health described in Chapter | 3576 |
| 3701. of the Revised Code; | 3577 |
| (9) The State Medical Board created under section 4731.01 | 3578 |
| of the Revised Code; | 3579 |
| (10) The Ohio Department of Natural Resources described in | 3580 |
| Chapter 1501. of the Revised Code. | 3581 |
| (C) The occupational licensing boards listed in this | 3582 |
| section shall be triggered to expire under division (B) of | 3583 |
| section 101.62 of the Revised Code at the end of the thirty- | 3584 |
| first day of December of the sixth year following enactment of | 3585 |
| this section. | 3586 |
| Section 5. (A) With respect to any business commenced but | 3587 |
| not completed by the Executive Director of the Ohio Athletic | 3588 |
| Commission on the effective date of this section, that business | 3589 |

shall be completed by the Director of Commerce or the 3590
Administrator of Athletics in the same manner, and with the same 3591
effect, as if completed by the Executive Director. 3592

(B) Wherever the Executive Director is referred to in any 3593
law, contract, or other document, the reference shall be deemed 3594
to refer to the Director or the Administrator. 3595

(C) On the effective date of this section, both of the 3596
following apply: 3597

(1) Subject to the lay-off provisions of sections 124.321 3598
to 124.328 of the Revised Code, all of the Commission's 3599
employees are transferred to the Department of Commerce and 3600
retain their positions and all of the benefits accruing thereto. 3601

(2) All of the Commission's employment records, equipment, 3602
and assets shall be transferred to the Department. 3603

(D) Any action or proceeding pending on the effective date 3604
of this section shall be prosecuted or defended in the name of 3605
the Director or the Administrator. In all such actions and 3606
proceedings, the Director or Administrator, on application to 3607
the court, shall be substituted as a party. 3608

Section 6. Beginning on the effective date of this 3609
section, the number of regulatory restrictions permitted in this 3610
state pursuant to section 121.953 of the Revised Code shall be 3611
increased by the number of regulatory restrictions contained in 3612
rules adopted by the Ohio Athletic Commission that are in effect 3613
on the effective date of this section. 3614